

THE
S E Q U E L
O F

Advice to Posterity,

CONCERNING

A Point of the last Importance.

WHEREIN

The SUBJECT is farther considered :

Together with

Other Matters well worthy the Observation of every Free-born *Englishman*.

Written by a Friend to

LIBERTY AND PROPERTY.

DEUT. XVI. 19.

Thou shalt not wrest JUDGMENT: Thou shalt not respect Persons; neither take a GIFT: For a Gift doth blind the Eyes of the Wise, and pervert the Words of the Righteous.

Potestas Regis est Potestas Legis, potestas Juris non Injuriæ.

BRACT. de Leg. Ang.

L O N D O N :

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1849

ERRATUM.

Page 38, Line 17, for *giving*, read *give*.

THE
S E Q U E L
O F

Advice to Posterity, &c.

A Pamphlet intitl'd *Advice to Posterity concerning a Point of the last Importance*, having met with a favourable Reception from the *Public*, I have been induced thereby, and out of a sincere Love, and Concern for the Happiness of *Posterity*, to send this *SEQUEL* into the World, that they may be apprised of some other Symptoms, by which they may with Certainty conclude Those Glorious, and never to be resigned *Privileges* of being heard before *JUDGES*, holding their High and Sacred *Offices* during the King's Life, or their own Good Behaviour; and of being Tried, and Determined by a *JURY* of *Twelve Men our Equals*, in all Causes, relative to *Life, Liberty, or Property*; to be in no small Danger.

These Symptoms, whenever they appear, ought to Rouze every *Englishman*, and ex-

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cite him to the Application of every Remedy, which the Wisdom of our *Forefathers*, and our Excellent *Constitution* have put into his Hands.

Great and inestimable as these *Privileges* are, and though the Contrivance and Result of the most consummate *Human Wisdom*; yet still, they are but the Contrivance and Result of *Human Wisdom*; and are, consequently, far from that *Perfection*, which would secure them from the Abuse, to which they are liable, from designing and wicked Men.

The Wise and Good may Plant, and Nurse up *Fences* for *Liberty*; but the Artful and Ambitious will ever labour to Pluck up, and Destroy them; wherein they will soon prove successful, without a strict, and never-failing *Attention* of the *People* upon *Those*, in whose Hands the *Constitution* has lodged the Care, and Culture of them; and without a constant, and never-failing Opposition to, and Punishment of, such *Abandoned Wretches*, who shall dare offer the least Violence to them.

To reap the full Benefit of these invaluable Privileges, it is absolutely necessary, that JUDGES should be, not only Persons of Great Ability, and deeply Learned in the Laws; but of a perfect *Impartiality*; and of an *Uprightness*

rightness wholly incapable of *Turning* either to the *Right Hand*, or to the *Left*.

Nor is it less necessary to keep a constantly watchful Eye over the several SHERIFFS of this KINGDOM, upon whose Integrity, and the faithful Discharge of their High Trusts, the Security of the *Subject* depends more, than it does upon the Ability and Integrity of the JUDGES: Since, to the *Sheriffs* belongs the Impanelling of JURIES; who being invested, solely, with the Determination of all Causes referred to them; can, by Virtue of that Power, render the most *Arbitrary* and *Unjust* Proceedings of a JUDGE *Abortive* and *Useless*: Which a JURY fairly impanelled, and consequently composed of *Honest* and *Sensible* Men, would certainly do: Whereas a JURY pack'd of *Knaves*, or *Fools*, or *both*, would be susceptible of the most *Infamous Dictates*, and ready to accomplish the most *Iniquitous Schemes* of a corrupt *Villain*, arrayed in *Scarlet* and *Ermine*.

Thus then the Necessity appears of the most vigilant Attention to the Conduct of Those, who are intrusted with the Management of these vast *Privileges*; as also of severely punishing every *Delinquent*, whether JUDGE, SHERIFF, or AGENT under them; who shall be detected, either in perverting JUSTICE, or in being any wise instrumental in so base a Crime.

And though these my Endeavours are designed for the Benefit of *Posterity*, yet I cannot forbear, notwithstanding the flourishing State of Virtue in this *Age*, and the shining Examples of Moderation, Impartiality, and Integrity, which at this Time adorn the *Seats of Justice*; to recommend, even to my Contemporaries, the same strict Attention to the Conduct of *Judges*, since within the Memory of many still living, two Men, who had gained no Honour at the *Bar*, and were *totally* unqualified for the Station, found means to *creep up to* and *disgrace* the BENCH. Of the Unfitness of both these Gentlemen many Instances might be produced: I shall mention but one, which one of these grave *Sages* furnished, and which may divert as well as surprize the Reader, and convince him how necessary it is to keep a watchful Eye upon the *Bench*, in *good* as well as in *bad* Times.

One *Sessions* at the *Old Baily*, there happened to be a much greater Number of Prisoners to be tried than had been for many preceding *Sessions*; the Number was so great, that though the Business of that Court was usually finished by *Friday* Night, or *Saturday* Noon, it was now believed by all, who were acquainted with the Proceedings there, that it was impossible to finish the Business depending before *Monday* Night, or *Tuesday* Morning. It was the Turn of this *Judge* to *assist* the

the *Lord Mayor* at that Time. He had fixed *Saturday* for a Trip to his Country House, with which the Duty of his *Office*, and the Business of the *Public*, unhappily interfered; hereupon the *Judge*, resolving the latter should yield to his private Pleasure, asserted the *Possibility* of ending the *Sessions* by *Saturday* before Dinner. This Assertion, so contrary to the Opinions of all Intelligent People, drew on a Dispute which ended in a Wager, between the *Judge* and a *Gentleman* since dead, of two Gallons of Arrack, made into Punch, to be drank at some future *Sessions*. The next Morning, being *Saturday*, the *Judge*, determined to win the *Arrack*, came early into Court, which the multitude of Business soon caused to be exceedingly thronged; where our *Adventurer* behaved in so *gross* and shameful a *Manner*, that every one present stood astonished and thunderstruck. The *Wretch* indeed heard the Charges against the *Prisoners*, but hurried through *such Evidence* as he was pleased to permit, with so much *Precipitation*, and acted, in all Respects, so impatiently and arbitrarily, that by Eleven of the Clock he had made such a *Progress*, that few Causes were left to be tried by the two *Judges* who ascended the *Bench* about that Time; so few, that though they proceeded with all the *Temper* and *Equity* becoming the *Dignity* of their *Office*, the *Sessions* was concluded before Dinner; and the *Victorious JUDGE* retired to his
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Country Seat in *Triumph* over his vanquished Adversary. The other *Judges*, during the last Cause or two which he tried, sat amazed and confounded for the Honour of the *Laws*, and their own *Venerable Bench*; and one of the *Judges* in particular, when a Gentleman approached him to acquaint him with the shameful Cause of a Behaviour so *unwarrantable*, first accosted the Gentleman, saying, Sir, "I am sure this Behaviour of my Brother gives you the utmost Concern;" to which he replied, "Indeed it does; you do not know the Cause of it—he has laid two Gallons of Arrack that he will finish before Dinner. I come to acquaint you with it, that you may take the *Causes* out of his Hands;" which that *truly worthy Judge* immediately did.

I beg Pardon for this long Story, which I should have omitted, if it did not prove beyond Contradiction, First, *The Possibility* that *Persons* in all Respects *unqualified* and *unworthy* may find means, even in the very best of *Times* (such as the *Present* undoubtedly are) to be raised to the *Seats of Justice*. Secondly, The great Inconveniencies accruing to the *Public* from the *Elevation* of such *Men* to that *high Station*: For not only in the Case before us, wherein, through the Wisdom and Caution of an excellent *Jury*, the *Innocent* were *protected*, yet the *Guilty escaped*, the Prisoners being all acquitted; whilst the Prosecutors lost
their

~~their~~ stolen Goods for want of Convictions,
 in Cases where no *honest* Jury could find a
Verdict against the *Prisoners*, because the *Wit-*
nesses on each Side were almost *unheard* and
unexamined. But perhaps the Witnesses on
 both Sides were only FARMERS and TRADES-
 PEOPLE, and therefore not *credible* Witnesses.
 —If so, to be sure the *Judge* was justified in
 such a summary and expeditious Way of try-
 ing the unhappy Persons, who, for *capital*
Crimes, stood at the *Bar of Justice* upon *Life*
 or *Death*. —But to proceed, I say, the Ele-
 vation of such *mean* Creatures to the *Bench*,
 proves not only the Inconveniences above
 mentioned, but likewise the great Danger to
 every *Species* of *Property*, to *Liberty*, and to
 the *Lives* of the *greatest* Men, and the *best*
Friends to their *Country*. For can any Man
 of common Sense imagine, that so *abject* a
Slave to his *Passions*, who is capable of sacri-
 ficing the *Lives* and *Properties* of his *Fellow-*
Creatures with so lavish an Hand, and this,
 for so poor a Trifle as a Bowl of Punch, would
 not, for a Consideration *suitable* to the *Service*,
 oblige a *vindictive* Minister with the Blood of
 a Lord *Russel* or an *Algernon Sydney*, or any
 one *such* as those *Worthies* were, who, from
 the Entrance of the *Normans*, maintained the
Cause of *Liberty* down to the *Revolution*. Oh
 that I could in these our Days add to the long
 and glorious *Catalogue* the *Names* of many
 more! but I fear, *virtuous* as the *present Age*
 is,

is, *few, very few modern Patriots* are to be found of *Merit* sufficient to intitle them to a Rank amongst those *illustrious Examples*.

Once indeed we boasted of *one*, who by acting for many Years upon the Principles of those *great Men*, had not only opened to his Country a Prospect more delightful than it had for a long Time beheld; but had raised himself to a Pitch of *Reputation, Power, and Greatness*, which placed him beyond the Reach of *Injustice*. But unhappily for himself and the Nation, the poor Man, by what Fatality or what Infatuation I cannot say, very *obligingly* gratified the then Ministry by laying *violent* Hands upon, and destroying himself.

As for those other little unsteady Dabblers in *Patriotism*, who for a while tottering along the *narrow* Path of *Virtue*, fell into the *Mire* of *Corruption*; they lie secure, sunk in the Contempt of their Country, beneath the Resentment or Notice even of *N—* or *F—*.

I beg Pardon for this Digression, and return to the Subject.

From what has been said, the Possibility that the most *unqualified* and *unworthy* Man, may, in the best Times, obtain the *high* and *important* Office of a *Judge*, is evident; since we ourselves have seen two such *despicable* Wretches,

Wretches, for many Years trampling upon Law, Equity, and Mercy, scattering Oppression, Injustice, and Terror over the Land, till it pleased Providence to deliver the Nation by their Deaths.

What Havock a time-serving, venal, slavish, tyrannical, blood-thirsty Judge, may make with the Lives, Liberties, and Properties of a Free People, we fully learn from the Annals of the last Century. Where we find Twelve Judges such Graceless Prostitutes, that contrary to the Fundamental Laws, and Constitutions of the Kingdom, They adjudged it to be the Prerogative of the Crown to raise Money upon the Subject without Consent of Parliament; Such Graceless Prostitutes, that they adjudged the Arbitrary Imprisonment of the Subject during Pleasure, and denying him his undoubted Privilege of clearing his Innocence, (if he could) to be Legal, and Warrantable; Such Graceless Prostitutes, that they adjudged all the Excessive Fines; and all the Oppressive and Illegal Proceedings of the High-Commission Court, the Council-Board and Star-Chamber, to be Legal and Warrantable. The Lord Keeper Finch, who when Lord Chief Justice of the Common Pleas, had been the Principal Adviser, and Actor in all Invasions of the Subjects Rights; audaciously declared, "upon a Demurrer put in to a Bill before him, which had no other Equity in it than an

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“ Order of the Lords of the Council ; That
 “ whilst he was *Keeper* no Man should be so
 “ *Sawcy* as to *Dispute* those Orders, but that
 “ the Wisdom of that Board should be always
 “ Ground enough for him to make a Decree in
 “ Chancery *.”

In the Annals of the last Century we likewise learn, How those Great, and Illustrious Personages the Lord RUSSELL, and ALGERNON SYDNEY, fell Victims to the Violence of the Times. Both of them being *Legally*, yet *Unfairly* Tried before *Unjust* JUDGES, Convicted by *Packt* JURIES; *Packt* by Court-Sheriffs; all Gentlemen of *Figure* and *Fortune*; and Convicted upon most Infamous Evidences (to be sure) Gentlemen of *Figure* and *Fortune*, since they were Evidences for the Crown; and at last Executed, contrary to the Intention, and in manifest Violation of the Laws of their Country; made, and designed for the *Protection* of the *Subject*. It was the Fate of the Great SYDNEY to receive Sentence of Death, at the Black Tribunal of that Monster of Servility, Venality, and Cruelty, The *Lord Chief Justice* JEFFRIES.

- In the Annals of the last Century we likewise learn, what a Deluge of Blood overflowed the Land; Multitudes being sacrificed to the Rage of *Power*, and falling by the Merciless,

Clarendon's Hist. Rebellion.

Merciless, and Bloody Hand of the same Iniquitous JUDGE, assisted in his Tyrannical Proceedings, by *Rascally Sheriffs, Packet Juries, Infamous Witnesses*, all GENTLEMEN of *Figure and Fortune*: Friends every where bewailing their Friends, Parents their Children, Children their Parents, Wives their Husbands; and the whole *Kingdom*, departing *Liberty*.

Pages might be employed in Animadversions upon the Conduct of TRESILIAN, and the other impious JUDGES in the Reign of *Richard the Second*; whom they declared to be *above the Laws*. Which pernicious Council had no small Share in the *Deserved Fate* of that *Wicked PRINCE*.

But what has been offered, concerning the JUDGES of the last Century, is (I believe) sufficient to convince the *People of England* of the absolute Necessity of keeping a constant, steady Eye upon the *Bench of JUSTICE*, at all Times; in Good, as well as Bad: Since we see, in the first Instances which I have given; what great Inconveniencies, and Damages accrued to the *People* (even in Our happy Times) from the Exercise of *Judicial Authority* by *Men*, in *all Respects*, unqualified, and improper for that *High, and Important Trust*: And from the Other Instances, we cannot but observe, with Horror, what *Devastation* was made of *Property*; and with how unrelenting

an Hand the *Lives*, and *Liberties* of the *Subjects* were invaded, and sacrificed.

Having said thus much in General; I shall address myself, in the remaining Part of these Sheets, intirely to *Posterity*: To whom, I owe the same Tender, and Generous Concern, which our *Fore-fathers* felt for us. I shall therefore, first, point out some of the most material Symptoms, which, (if ever they should happen) succeeding Generations may, upon too strong Grounds, suspect, the *Inestimable Privileges* before mentioned to be in imminent Danger.

And secondly, I shall propose to them such Legal, and Constitutional Remedies; which, if *Timely* applied; will, by the Blessing of *Almighty God* upon their *Virtuous Endeavours*; effectually secure to them the said *Privileges*, and all the *Rights*, and *Liberties*, to which they will be intitled as *Men*; and particularly as *Englishmen*.

But first, I premise, that a strict Attention to the *Bar*, (the Seminary of the *JUDGES*) is as necessary to be had, as to the *Bench*. For if at any Time you shall discern at the *Bar*, a Forward, Bold, Enterprizing Man, without Honour, without Conscience, without Humanity, and without any one *Virtuous*, or *Social Principle*, to be particularly taken Notice of, and
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raised to *Great and Profitable Posts* in the *Law*; wherein, he shall greedily embrace every Opportunity to recommend himself to his Superiors; by whose Interest and Power he is raised, and expects to be raised still Higher; by promoting all *Ditty C——* *JOBBS*, constantly siding with *Power* against *Liberty*; and upon all Occasions, prostituting his *Voice* and his *Suffrage*; and, like a well-taught Spaniel, at the Command of a Prime Minister, jumping over a Stick; Now, for the *Emperor*; Now, for the *King of France*; Now, for the *King of Spain*; Now, for every *Petty, Insignificant, Penurious, Starving G——N P——E*. I say, whenever you shall see such an abandoned Tool so raised, and so demeaning himself; you will have but too strong Grounds to suspect, that the *Wretch*, thus countenanced, is designed for a Seat amongst your *JUDGES*; there to be employed in a Service *opposite* to the Interest of the *People*, and perhaps *Destructive* of all their *Just RIGHTS*. Certainly, *Posterity!* you ought to be particularly watchful of such an One, and by an early Application to the *Crown*, in the Infancy of his *Greatness*; prevent (if possible) the Mischief He may do in Posts inferior to that of a *JUDGE*.

Consider only, What an Influence an *ATTORNEY-GENERAL* has: Not to enter into all the Particulars of his Office; I shall only mention one Branch, by which he may clog the
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the *Wheels of Justice*, greatly to the Prejudice of the *Subject*. Suppose a worthless Fellow setting out in the World, without five Pounds in his Pocket; and by Forgery, Extortion, and Usury, acquiring a considerable Estate, sufficient to entitle him to the Style of a GENTLEMAN of *Figure* and *Fortune*; Suppose this Pest of Society, this Forger, this Extortioner and Usurer, to be openly, and clearly detected in a Forgery; a Bill of Indictment found against him by a GRAND JURY; and full Evidence of the *Fact*, ready to be produced upon his Trial: We all know, that the *Attorney-General* is, (for the Good of the *Subject*) invested with a *Power* of putting a Stop to all Proceedings in Cases of this Nature, by granting a *Cessat Processus*, or a *Noli Prosequi*; which *Power*, annexed to the Office of *Attorney-General*, may be justly deemed a *Prerogative* of the *Crown*; since the whole *Executive Power* of the *Laws*, is lodged in the *Crown*. But the Multiplicity of Business, arising from the *due* Discharge of the whole Executive *Power*, being much too great for, and being impossible to be discharged, by any *one* Man; several Offices are erected, and Officers are appointed under the *Crown*, for the more *easy*, and *expeditious* Dispatch of NATIONAL AFFAIRS; to which *Officers*, many of the *Royal Powers* are delegated; which *Royal Powers* when reserved in the Hands of the *Crown*, are called *Prerogatives*; and when delegated to others,

others, are called *Powers*. I have given this Definition, because I shall treat the *Powers* here spoken of in the Light of a *Prerogative* of the *Crown* hereafter. But why is the *Crown* invested with this *Prerogative*? and why is this Power delegated to the *Attorney-General*, of granting a *Cessat Processus*, or *Noli Prosequi*, in the abovementioned Cases?—Because the *Constitution* wisely supposes a Possibility of frivolous, vexatious, and malicious Prosecutions; or favourable Circumstances in some Cases, rendering Persons prosecuted Objects worthy of the *Royal Mercy*, and *Protection*. To discourage such kind of Prosecutions; and to leave, for proper Objects, an open Asylum in the *Royal Breast*, the *Constitution* found it expedient to lodge this *Prerogative* in the *Crown*, or *Power* in the *Attorney-General*: Never intending it should be used as a *Screen* for the *Atrocious Villain*, and an Oppression to the *Injured*. Wherefore an *Attorney-General*, ought in no Case to grant a *Cessat Processus* or a *Noli Prosequi*; but in such, where he is in his *Conscience* convinced, that the Prosecution is within the above Description; and within the true *Spirit* and *Intention* of the *Constitution*; which invests the *Crown* with this Great *Prerogative*, or *Himself* with this Great *Power*.

But if, notwithstanding this, He shall, from any secret Motive, be induced so shamefully to misapply, and abuse this *delegated Prerogative*,
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or Power annexed to his Office, as to grant a *Cessat Proceſſus* or *Noli Proſequi*, to ſtop Proceedings againſt one of a moſt infamous Character for a glaring Forgery, wherein no one favourable Circumſtance ſhall appear to juſtify a *Noli Proſequi*; then, I ſay, that the *Attorney-General*, who ſhall do that vile Thing, will, in the Execution of his Office, be guilty of an *High Crime and Miſdemeanor*; and give the ſtrongeſt Specimen of how great Wickedneſs he is capable upon the *Bench*, where he will have an ample *Field* to diſplay his *Talent of Iniquity*.

And here give me Leave to aſk, Which of the Two would be the greateſt Criminal, the *Forger* or his *Screeners*? That both would be deteſtable Wretches, is moſt certain: But which would have the *Pre-eminence in Wickedneſs* is not quite ſo eaſy to decide.

Thus, *Poſterity*! you ſee, how great Miſchief a Wretch, deſtitute of every Moral Principle, may do to Civil Society, in *Truſt* inferior to thoſe of a *Judicial* Nature: And you may look on ſuch an *Abuſe of Power* in an *Attorney-General*, as one undoubted Symptom of *Danger* to the inſeſtimable Privileges, which are the *Subjects* of this SEQUEL. For, if a *JUDGE* can deceive a *Jury* by *faſe Aſſertions* in Points of *Law*; or by *wrong Interpretations* of the *Laws*; or by a *partial* Exami-

Examination of Witnesses; or by *suppressing*, in summing up, such Parts of the *Evidence*, as would turn the *Scale of Justice* against the *Party*, which he shall, by his *corrupt* Passions, be prompted to *injure*: If also a *Sheriff* can pack a *JURY* of *Knaves* and *Fools* to *co-operate* with such a *JUDGE*, in his *Mal-Practices* against the People, an *Attorney-General* can do more than all this; since, by *Virtue* of a *Cessat Processus* or a *Noli Prosequi*, he can deprive the *injured* Subject of a *fair Trial* before upright *JUDGES*, and by an honest *JURY*; in *Consequence* whereof, he must groan on, without *Remedy*, under the *Oppressions* and *Violences* of him, who shall have *Money* or *Preferments* sufficient to secure the *Friendship* of that *Great Officer*.

You see then, *Posterity*! the absolute *Necessity* you will in such Case be under, by a proper *Application*, not only to keep such abandoned Men from the *Bench*; but likewise to procure their *Dismission* from any other *High Post*, wherein there is an extensive *Power* of doing *Mischief*. And the *Necessity* of such *Application* will more abundantly appear, if you consider, that this *Power* of granting a *Cessat Processus*, or *Noli Prosequi*, is not confined to Cases between *Subject* and *Subject*; but may be extended to Cases *relative* to *Property*, between the *Crown* and the *Subject*. So that, should any great C — Favourite
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covet your Vineyard, and take Possession of it, before the Courts of *Justice* are sufficiently *garbled and modelled* into a Courtly Form, adapted to the evil Designs of those, who would without *Scruple* invade your *Liberties*, and swallow your Properties; you may, by an *unconstitutional* Exertion of this *Prerogative* of the *Crown*, or Power of the *Attorney-General*, be totally deprived of the Benefit of the *Noble and Glorious* Privilege of obtaining *Justice* in the Courts of Law by an *Indictment*, to be decided before *JUDGES*, holding their *Offices* during the King's Life, or their own good *Behaviour*, and by a *JURY* of Twelve *honest, sensible Men*, your Equals.

I hope, *Posterity*! you will enjoy this *invaluable* Privilege uninterrupted by an *unconstitutional and undue* Exertion of this *vast* *Prerogative*, or Power of granting a *Cessat Processus* or *Noli Prosequi*, till this *Globe* shall be consumed in the general *Conflagration*. And that you may so do, let me exhort, let me conjure you, by all the Honour you will owe to the Memories of your *Great Forefathers*, who so obstinately struggled, and so valiantly fought for *Liberty*, that you might be *Free and Happy*; by your own *Interest and Felicity*; by the *Love, Concern, and Duty*, which you will owe to those, who shall from Time to Time be descended from you; and, above all, by the *Gratitude* you will owe to *Almighty GOD*,

GOD, for the unspeakable Blessing of Liberty, when the Nations round you groan under Slavery; to exert yourselves upon the first improper Exercise of this *Prerogative* or *Power*, which, if indulged without Notice, will, most probably, prove *fatal* to those *Rights*, which are the *Foundation* of all your other *Rights* and *Liberties*; which, if you neglect to do, no Man will be able to live a single Moment in *Security*. For, if a rich, infamous Sharper, who, by Tricking, Cheating and Forgery, shall become a GENTLEMAN of *Figure* and *Fortune*, can but make an *Attorney-General* his Friend, he may proceed triumphantly in his Villainies, secure of a *Cessat Processus* or a *Noli Prosequi* to step in between him and the *Gibbet*. So that, in all Causes between Subject and Subject (wherein the injured Person is obliged to have recourse to an *Indictment*, in order to obtain Justice upon the Aggressor) *Fraud*, *Forgery* and *Rapine* will be let loose upon the People, unable to help themselves; except in such Cases (which can seldom happen) wherein the Person injured shall have a longer Purse than he who injures him. But this abominable Practice, of Selling Justice, favours too much of a *Turkish* Government (I hope) ever to be countenanced in this Country.

These are Inconveniences and Dangers, to which the *Prerogatives*, or *Powers* of *Cessat*

Processus and *Noli Prosequi*, in all Causes between *Subject* and *Subject*, are liable. Yet *Great* and *Terrible* as they appear, they are not comparable to those which may ensue, upon an unconstitutional and undue Exertion of them, in Causes relative to *Property* between the *Crown* and the *Subject*.

For, in the first Instance, by a proper Application to the *Crown*, or even to the Administration, in good or in tolerable Times; a *Cessat Processus*, or a *Noli Prosequi*, improperly granted, may be recalled, and the *Attorney-General* dismissed for his ill Behaviour in his Office; and the injured Person left in Possession of the *full* Benefit of his Remedy at *Law*.

But, in the last Instance, he would be without any Remedy, except an Application to the *Legislature*; and, without their *Assistance*, he would be absolutely deprived of his undoubted Right of bringing his Cause into the Courts of Law by *Indictment*, to be determined before the JUDGES by a JURY; where, and in which Manner, all Causes that are brought to an Issue, in this *happy Land*, must be heard and determined; saving such as are determined in *Chancery*, where the *Great Ministers of Justice* are accountable for their Conduct; and saving Appeals to the *House of Lords*, whose Decisions have ever been, and;

I am persuaded, ever will be, conformable to the strictest *Honour and Equity*.

But before I dismiss this Point, I cannot forbear recommending one Possibility more to your most careful Observation, by which you may know the Unfitness of a Man for the High Office of a JUDGE. What I recommend to your most careful Observation, is so far removed from a *Probability* of ever happening, that there is but a *bare Possibility* of it: However, that *bare Possibility* is a sufficient Motive and *Justification* to me, for putting you upon your *strongest Guard*.

Observe therefore, most attentively observe, whether those who are Council for the *Crown* against the *Subject* in a Cause, and in which Cause, perhaps, the JUDGE, the JURY, and the WITNESSES, shall be all Gentlemen of *Figure and Fortune*, dependant and expectant upon the C—t; in order to soften the injured *Subject*, and, as much as possible, to satisfy him, and all, whose Ears his Case shall reach, with the meer Form of a *Trial*; and make him (and all whom it may concern, and it will concern all) *Easy* under the *Hardships* he may receive from such a *Judicature*; shall wantonly and impudently *boast* in open Court, and in the Face of the Sun, as if it were a great and extraordinary Act of *Grace and Favour* in the Prince, who shall then reign, to suffer

offer a Cause, wherein he shall be concerned, to be brought into a Court of Law; there to be determined by a fair Trial (as he may call it) when, with the *wet Finger* of his *Attorney-General*, or with a *Dash* of that Officer's Pen, he might put an End to all Proceedings. The Man who shall be Impudent enough, to represent this as a *Great* and *Extraordinary* Act of *Grace* and *Favour*, must certainly be a *Descendant* of the *Illustrious Family* of the *unembarrassed Countenances*. For this would be to say, that the *King* may *seize* the *Property* of the *Subject*; and if (to pave the Way to the Recovery of his Right) he should indict one, or more of the Persons employed upon that Occasion, for any Violence or Offence Indictable, the *King* may, by a *Noli Prosequi*, put an absolute End to the Cause.

But let us examine this Bold and Impudent Position more narrowly.

Would not this be, in Effect, setting up a *Dispensing Power*? Would not such an unconstitutional Exertion of this *Prerogative* of the *Crown*, or Power of the *Attorney-General*, tend to destroy all *Law* and *Justice*; and expose the Properties, if not the *Lives* of the *People*, to the arbitrary Will and Pleasure of the *King*?—In this Case, *Russians* would never be wanting, to seize the *Property* of the *Subject*; and to keep Possession of it by Force
and

and *Violence*. Then the Properties of the whole Nation, would (in Effect) be the sole Property of the *Crown*, and the *People* of *England* would be, not the *Subjects*, but the *Slaves* of their *Kings*.—A Condition so *Abject* and *Vile*, your *Virtuous* and *Valiant* Forefathers scorned and abhorred; and therefore, to avoid it, they waded (with some few Intermissions) in Blood, from the Days of the first *William*, down to those of the last of that Name.

But let us farther enquire, Where would be, or in what would consist, the Great and Extraordinary *Grace* and *Favour*, of not exerting this Prerogative or Power, in a Cause relative to Property, depending between the *Crown* and the *Subject*, and suffering the Law to take its Course?

What! would the not Abusing this vast *Prerogative*, or Power, invested, for the Security, Peace and Happiness of the *Subject*, and for these Purposes only, and for no other, be such a Great and Extraordinary Act of *Grace* and *Favour*? Would not the unconstitutional Exertion of this *Prerogative* or Power, be rather a *Breach* of the *Royal Feast*, and of the *Coronation Oath*? An Act of Injustice—of Violence—of Oppression—and of Tyranny? Would not such a Deed be an Infringement of *Magna Charta*, of the *Bill of Rights*, and of the *Act of Settlement*? or at least, quite
contrary

contrary to the *True Spirit and Meaning* of those *Essential and Fundamental Laws*; which ought, like the *Laws* of the *Medes and Persians*, not to alter? Had such a Compliment been made by the Sycophants of *Rome* to *Caligula* or *Nero*, they would have blushed at Flattery so absurd, gross and fulsome. Would it be such a *Great and Extraordinary Act of Grace and Favour*, for any one of the limited, circumscribed, tied down Monarchs of this *Free Nation*, to refrain from such a shameful Abuse of *Power*; as an *Absolute Prince*, endowed with a single Grain of Goodness, could not prevail upon himself to commit amongst his *Slaves*? Such a shameful Abuse of Power, as was never practised, nor attempted by the Worst of the *English Tyrants*, whom your *Forefathers* wisely and justly *Deposed*, for daring to invade their other *Rights and Liberties*. Good Heaven! what kind of Heart must inhabit the Breast of that unnatural Monster, whose unparallel'd Wickedness is capable so much as to suggest, that to suffer the Subject to prosecute the *Agents* of the *Crown* in the Courts of *LAW*, in order to recover his Right, and proceed to a *Trial*, which is his undoubted *Privilege*, derived to him from his *Saxon Ancestors*, and not to endeavour to stop all Proceedings at *Law* by a *Noli Prosequi*, is a *Great and Extraordinary Act of Grace and Favour*?

But

But I cannot yet dismiss this *Pretty Position*. Give me leave then to ask, *Whether Princes*, even the most absolute, can abuse any one *Royal Prerogative or Power*, without violating both the *Laws of God and Nature*? If they cannot; then the not abusing any one *Prerogative or Power*, cannot be deemed a *Great and Extraordinary Act of Grace and Favour*.

First, by the *Laws of God*, they are strictly obliged to treat their People with all imaginable *Tenderness and Humanity*; to protect them from all *Wrong and Injury*, and to promote, upon all *Occasions*, to the utmost of their *Power and Ability*, their *Welfare*. That this is the *Law of God*, is evident from several *Passages in Holy Writ*; especially in the *New Testament*; where *St Paul*, in the *xiiith* Chapter of his *Epistle to the Romans*, directing his *Disciples* to be "subject to the Higher Powers ordained by God;" describes those *Powers*, limits their *Authority*, and thereby limits the *Subjection* to them. For in the *3^d, 4th, 5th, 6th, and 7th Verses*, he says, "Rulers are not a Terror to good Works, but to evil. Wilt thou then not be afraid of the Power? Do that which is Good, and thou shalt have Praise of the same. For he is the Minister of God to thee for Good. But if thou dost that which is Evil, be afraid; for he beareth not the Sword in vain;

" For he is the Minister of God, a *Reuenger*,
 " to execute Wrath upon him that doth Evil.
 " Wherefore ye must needs be subject, not
 " only for Wrath but Conscience-sake. For
 " this Cause pay ye Tribute also: for they are
 " God's Ministers attending continually on
 " this very thing. Render therefore to all
 " their Dues, Tribute to whom Tribute is
 " due, Custom to whom Custom, Fear to
 " whom Fear, Honour to whom Honour."

First then, for the Description of the *Higher Powers*. It is General; by which is to be understood all the *Rulers* or *Governors* of a *Nation's Kings* to be sure, but not *Kings* only; but also all *Magistrates* who possess Authority; whether it be *Supreme* or *Derivative*, *Delegated* or *Subordinate*. So that under this General Description, and by the Injunction of the Apostle; the meanest executive Officer of a State, is as much intitled to the Subjection of the *People* to the *Powers* annexed to his Office, as the first *Magistrate*; let his Style and Title be *King*, or whatever else it will: And by this *Law* of God, delivered by this inspired Penman, the *People* of *England* are as strongly bound to pay Obedience to the *Powers* of the *Petty Constable*, as to those of the *Sovereign*. So that it is plain, that by this Description of the *Higher Powers*, and the Injunction of Subjection to them, God, the original Source and Fountain of all *Power*, does

not

not erect, nor authorize an *Absolute, Despotic, Arbitrary, and Irresistable* Power in *KINGS* of doing Mischief. And that this is the true Sense and Meaning of the Apostle, is farther evident from the 1st Verse of the 3d Chapter of his Epistle to *Titus*, viz. "Put them in mind to be subject to *PRINCIPALITIES* and *POWERS*, and to obey *MAGISTRATES*." Which is so plain an Interpretation of *St Paul's* Meaning, that it needs no farther Comment. And *St Peter* intirely agrees with *St Paul*, not only in his Description of the *Higher Powers*, but in his Limitations to their *Authority*, thereby limiting the Subjection to them; "Submit yourselves, (says he) to every Ordinance of Man," (not only to every Ordinance of *Kings*, but to every Ordinance of *Man in General*) "for God's Sake; whether it be to the KING as SUPREME, or unto GOVERNORS as sent by him;" (for what Purpose?) for the Punishment of evil Doers, and for the Praise of them that do well." 1st Epist. of *St Peter*, Chapter ii^d, Verses 13 and 14. Which brings me back to the xiiith Chapter of the *Romans*, which,

Secondly, Limits the Authority of the *Higher Powers* or *Rulers*; and, consequently, the Subjection to them, by saying, "RULERS are not a Terror to good Works, but to the Evil," (that is, *Rulers* are not authorized by God, of whom is all Power, says, the 2d

Verse, to punish, injure or molest, Innocent
 and Honest Persons ; but are to punish Those
 only, who break the *Laws* of God and their
Country.) “ Wilt thou then not be afraid of
 “ the POWER ? ” (afraid of what Power? of
 that of the *Magistrate*, whom God, the great
 and universal *King*, has authorized to punish
 thee for thy evil Actions.) “ do that which is
 “ Good, and thou shalt have Praise of the
 “ same: ” (Praise, of whom? of the *Magistrate*,
 whose Duty it is, to encourage Virtue as much
 as it is to punish Evil.) “ For he is the Mi-
 “ nister of God to thee for Good. ” (That is,
 to do the innocent and honest Man Good, by
 defending, and protecting him from all man-
 ner of Injury, either to his *Life*, *Liberty* or
Property; and by rewarding him for his good
 Actions.) “ But if thou doest Evil, be afraid ;
 “ for he beareth not the Sword in vain; for
 “ he is the Minister of God, a *Revenger*, to
 “ execute Wrath upon him that doth Evil ;
 (and therefore will certainly punish such.)
 “ Wherefore ye must needs be subject, not
 “ only for Wrath, but also for Conscience-
 “ sake. For, for this Cause pay ye Tribute
 “ also, for they are God’s Ministers, attend-
 “ ing continually on this very Thing: ” (What
 very Thing? The *Security*, *Benefit*, *Welfare*
 and *Happiness* of the *People*, committed by
 God to their Charge.) “ Render therefore, to
 “ all their Dues, ” (that is, to *Kings*, and to
 all *Magistrates* and *Governors*, their Dues.)
 “ Tribute

“Tribute to whom Tribute is due; Custom
 “to whom Custom;” (that is, all Taxes and
 Impositions, laid and levied upon the Subjects,
 for their Defence, Support and Benefit, and
 for these Purposes only;) “Fear to whom
 “Fear, Honour to whom Honour.”

It is then clear from the Scriptures, that all
 Powers are from God; and that all the Powers
 delegated to *Kings, Governors, and Magistrates*,
 are *Limited*, not *Absolute*; and committed to
 them only to promote the Good and Felicity
 of the People, whom they Govern. And if
 this be so, as it undoubtedly is, then the first
 Part of the Axiom I lay down is proved;
 “That *Princes*, even the most *Absolute*, can-
 “not abuse any one Prerogative or Power,
 “(which they would do, who should exert
 “any one Prerogative or Power, committed
 “to them for the Good of the People, to their
 “Ruin or Prejudice) without *Violating* the
 “*Laws of God*.”

And as to the second Part of the Axiom,
viz. That they cannot do so without *Violat-*
ing the *Laws of Nature*; it being almost a
 self-evident Proposition, I shall only say, that
Princes, being made of the same Materials as
 other Men are, must, in the *Natural* State of
 Mankind, be considered in the same Relation
 to other Men, as they all stand in towards one
 another; and therefore, separately, and ex-
 clusively

clusively of all Civil Appointments and Institutions, *Princes* are equally with other Men obliged, and bound by the same *Law of Nature*: From which *Law of Nature* they can plead no Exemption, by virtue of any *Powers* derived from GOD; all those *Powers* being limited and confined to Acts of Mercy, Humanity, Goodness, and Justice. Now, the *Law of Nature* obliges, and binds all Men to do all the Good they can to each other, and prohibits them from offering the least Injury to any one: Which *Law of Nature* is confirmed and enforced by the express *Law of GOD*, which enjoins us "To love our Enemies; to bless them that curse us; to do Good to them that hate us; and to pray for them which despitefully use us, and persecute us." *Matt. v. 44.* And likewise,

"To do to other Men all Things whatsoever we would they should do unto us." *Matt. vii. 12.*

This being so, the second Part of the Axiom I lay down is proved, *viz.* "That *Princes*, even the most Absolute, cannot *abuse* any one *Prerogative* or Power, (which they would do, who should exert either that were committed to them for the Good of the People, to their *Ruin* or *Prejudice*) without violating the *Law of Nature*."

If

If then no *absolute* Prince can abuse any one *Prerogative* or *Power*, without violating the *Laws* of *GOD* and *Nature*, & *fortiori*, no *limited* Prince can; and if it would be no great and extraordinary *Act of Grace and Favour* (as most certainly it would not) in an *absolute* Prince, not to exert any one *Prerogative* or *Power*, invested in him for the *Good* of the *People*, to their *Ruin* or *Prejudice*; the not doing so, can never be a great and extraordinary *Act of Grace and Favour* in a *limited* Prince of this Country; limited by the old *original Compact*, between our *Saxon Ancestors* and their *Kings*; maintained by the *Valour* of their *Posterity*, almost from *Reign* to *Reign*; limited by *Magna Charta*, and again limited by the *Bill of Rights*, and the *Act of Settlement*. Surely then, to allow the *Subject* the *Benefit* of the *Laws* of the *Land* in *Contesting* his *Right* with the *Crown*, by a *fair Trial* before the *JUDGES* and by a *JURY*, and not to prevent him with the *wet Finger* of an *Attorney-General*, or the *Dash* of his *Pen*; that is, by a *Noli Prosequi*, a *Prerogative* or *Power* invested for the *Benefit* of the *Subject* only; can never be thought such a great and extraordinary *Act of Grace and Favour* in any *Prince* of the *Hanover Succession*; for whom, and for whose *Family*, this *Nation* has done so many and so great Things; adorning their *Electoral Cap* with the *British* *Diadem*,

Diadem, and their Brows with *Imperial Crowns* : For the Maintenance of whose *State and Glory*, your Forefathers, within the Space of forty-one Years, have expended a Number of Millions scarce credible ; paying, in strict Compliance with the foregoing Injunction of the Apostle, with a *willing and liberal Hand*,
 “Tribute to whom Tribute is due, Custom
 “to whom Custom, Fear to whom Fear,
 “Honour to whom Honour.”

It is scarce possible, that a Position so *base and infamous*, should ever fall from the Tongue of an *Englishman*. One would, indeed, think it scarce possible, that the whole *Island of Great-Britain* should ever produce so complete an *Apostate* from all Modesty, Decency, and Honesty. However, if such a *Phenomenon* of Assurance and Iniquity should at any Time appear, it must surely be the Effect of one or other of these Causes ; either he must be a Foreigner (at least to *England*) who, finding Means to creep into Confidence and Power, retains some *National Aversion* to any Connexion between this Country and his own ; or he must inherit some *old Family Prejudices*, not much for the *Interest or Safety* of his *new Master* : In either of which Cases, he will play the *Politician* well, in throwing out *Maxims* destructive of *Liberty*, thereby to raise *Fears and Jealousies* in the Minds of the People, and introduce that *Anarchy and*
 Con-

Confusion, which only can accomplish his *secret Wishes*; or else, being a *Slave to Avarice* and *Ambition*, in order to gratify those *Passions*, he shall resolve, at the Expence of This Country's *Liberty*, of his own Honour, and at the *Hazard* of his Soul, to become also an arrant *Slave* to the *Court*. In the two former of these Cases, he will be a *Traitor* to his *King*, under the aggravating Circumstance of betraying *Him*, whose Bread he eats; in the last, he will be the worst of *all Traitors*, for he will be a *Traitor* to the *People*.

From what has been said, you cannot, *Posterity*! but be convinced of the *absolute* Utility and Necessity of an assiduous Application, both to remove such Men, as I have now described, from *Posts* attended with such dangerous Powers, should they, unfortunately for you, obtain them; and also to prevent, if possible, by all decent and legal Means, their *Appointment* to the *Seats* of *Justice*.

So that I recommend to you, as I did in the Case of the notorious and publicly *detected Liar*, mentioned in the Pamphlet, to which this is a *SEQUEL*, That, upon the first *Rumour* of the Advancement of such Men, you would, in humble and dutiful Addresses to the *Throne*, from all Parts of the *Nation*, represent the *dreadful* Consequences to *Life*, *Liberty*, and *Property*, from raising such Creatures to the

Seats of Justice. But if, notwithstanding all your honest Endeavours, they should find Friends and Means, whereby to *creep* up to that *high* and *important* OFFICE; whence they cannot be removed, but upon the Death of a *King*, or for their own *ill Behaviour*, by Address of *Parliament*; you must then be sure to keep a strictly attentive Eye upon all their *Actions*, and *carefully* to watch all their Words; not in the least doubting, that *Slaves*, whose natural *Proneness* to Wickedness, improved and confirmed by a long and constant Habit, will soon give you an Opportunity, by some flagrant *Act* of *Partiality* and *Injustice*, to apply to *Parliament* for *Redress*.—
 “ For can the *Æthiopian* change his Skin, or
 “ the *Leopard* his Spots? Then may ye also
 “ do Good, that are accustomed to do Evil.”
Jeremiah xiii. 23.

And you may be *absolutely* sure, that an *Attorney-General*, who will deal out a *Cessat Processus*, or a *Noli Prosequi*, without the *fullest* and *clearest* Evidence that an Indictment is *frivolous*, *vexatious*, and *malicious*; and only in order to *screen* from *Justice* a scandalous and notorious *Cheat* and *Forger*; will have no Regard to *Justice* in Causes of *Life*, *Liberty* or *Property*, between the *Crown* and the *Subject*; and indeed little in those, which shall be between *Subject* and *Subject*.

Nor

Nor is a greater Regard to *Justice* to be expected from the *hardened* Wretch, who, in a *free* Country, shall dare insinuate, that to give the Subject a *fair Trial*, in a Cause between the *Crown* and *Him*; and not to *defeat* and *injure* the *Subject*, by an *Abuse* of a *Prerogative* or *Power*, designed by the *People*, who originally gave it, for their own *Security*, *Peace*, and *Happiness*, is an extraordinary *Act* of *Grace* and *Favour*.

From *such* Men, *armed* with *Judicial* Power, expect *all* the *Evils*, *all* the *Calamities*, that can rush forth upon you from *degenerate* Natures and *corrupt* Hearts.—Be certain, that the Will of the *King*, or of the *Prime Minister*, will be the Will of the JUDGE:—That your Courts of *Law* will, at their Pleasure, be converted into *Idol* Temples, devoted to their *Service*; and your *Seats* of *Justice* into *Altars* of *Blood*. If you murmur at *Oppression*—If you groan under the Burthen of *Slavery*, expect to be dragged before *Tribunals* of *Horror*; there to be convicted by pack'd *Juries*, upon the Evidence of *Witnesses*, *dependant* and *expectant*, perhaps *suborned*, all GENTLEMEN of *Figure* and *Fortune*. There expect your *Murmurs* and *Groans* to be interpreted *Treason*, and your *Persons* to be sentenced to the *Cart's Tail*, to be *severely whipped*; or to the *Pillory* to lose

your *Ears*.—If, when you sharply feel the *Yoke* and *Gallings* of *Regal* and *Ministerial* *Power*, Numbers shall meet peaceably, in order to lay your *Grievances*, in humble *Addresses*, before the *Throne*, which is your *ancient*, undoubted *Privilege*, confirmed of late by the *Bill of Rights*; expect these, your *legal*, *constitutional*, and *honest* Endeavours to amend your sad Condition, to be interpreted an *Infringement* of the *Riot-Act*, or *High Treason*, and yourselves to be sentenced by Hundreds to the *Gibbet*; as your *Forefathers* were, by the *inexorable* and *bloody-minded* JEFFRIES.

I proceed now to the other *Symptoms* of *Danger* to these invaluable *Privileges*.

First then, carefully observe, whether, in a Cause between the *Crown* and the *Subject*, concerning *Life*, *Liberty* or *Property*, the *JUDGE* proceeds with all the *Decency*, *Temper*, *Moderation*, and *Impartiality*, in his *Observations* on the *Evidence* on both Sides, which are consistent with strict *Justice* and the *Dignity* of his *Office*; and which may tend to refresh the *Memories*, and enlighten the *Understandings* of the *JURY*, so as to enable them to give a *fair* and *honest Verdict*; or whether, without *real* Cause, he shall nibble at, and endeavour to *pick Holes* in the *Evidence* of the *Subject*; which, though perfectly consistent, he shall represent as otherwise, by catching
bold

bold of incorrect Expressions of illiterate Witnesses, or by *distorting* the natural Meaning of Words; at the same Time, passing over in Silence, and without the least Notice, an *accumulated Heap* of *Monstrous Absurdities*, Inconsistences, and Contradictions in the *Evidence* for the *Crown*, in order to mislead the *Judgments* of an ignorant *Jury*; or to *Palliate* and *Countenance* the *Premeditated Verdict* of a packt One. This would be a Crime of a *black Dye* indeed; and of so *shocking* a Nature, and of so *dangerous* a Tendency, that it would call aloud for JUSTICE.

The next *Symptom* of *Danger* which, I recommend to your careful Observation, is, whether, upon a *Motion* made in Court, or upon any other Occasion; a JUDGE, shall *servilely* and *audaciously* endeavour to *sap*, *undermine*, and *subvert* the *Liberties* of the People, by erecting *Prerogatives* in the *Crown*, new and unknown to the *Laws* and *Constitutions* of the Land. This would be a *Crime* of the first *Magnitude*; a *Crime* against the *People*, and a *Crime* against the KING.

That it would be the *first*, is a self-evident *Proposition*; that it would be the second, perhaps, may not be quite so *clear* to *all*; and therefore deserves some Explanation.

The

The setting up *new, and unknown Prerogatives* in the *Crown*, is subversive of *Liberty*, and hazardous to *Life and Property*; and, consequently, tends to disturb the *Minds and Peace* of a *Free People*, by *Creating Fears and Jealousies*; which have often put them upon such necessary, and just Measures for the *Security* of their *Freedom*, as have always *shaken, and frequently over-turned* the *Thrones* of *Princes*. So that of all the *Evil Counsellors*, who have *abused* the Confidence of their *Royal Masters*, and betrayed them by *Flattery and servile Compliances* with their *Lawless Desires*; *JUDGES*, who have broke down the *Fences* of *Liberty*, either by encreasing the *Prerogative*; or extending it beyond its due *Bounds*; or (giving me leave to add) by *advancing and pressing* the most *Hellish Doctrine* of *Innuendo*; have been, of all others, the worst *Enemies*, the *blackest Traitors*, and the *vilest Miscreants* both to their *Kings*, and to their *Country*.

What dreadful Effects were produced, by the *impious Councils*; and *servile Compliances* of such Infamous Men in the Reigns of *Charles the First* and *James the Second*, a long and calamitous *Civil War*, during the first, interrupted the *Commerce* of the *Kingdom*, and all the other Blessings of *Peace*; the whole Land being laid *Waste* by the *Sword*, and covered with

with *Blood*. A *Civil War*, in which perished the *Flower* of the *Nobility* and *Gentry* of these *Realms*, and which brought the unhappy *Prince*, who suffered himself to be guided by the *Illegal* Opinions of such *Villains*, to an *unfortunate*, and *unprecedented* End.

Had the *Twelve Judges* stood firm upon the *Basis* of their *Integrity*, and given *Opinions*, in *Cases* referred to them, conformable to *Law*, and to their own *Knowledge* and *Experience* in the *Laws*, and agreeable to the *Dic-tates* of their *Consciences*; they would (most probably) have had the *Glory* of securing their *King* upon the *Throne*, till the *Almighty* had pleased, by a *Natural Death* to gather him in *Peace* to his *Royal Predecessors*; and of preserving their *Country* from those *Mischiefs* and *Miseries*, which may be almost wholly imputed to the *Servility*, *Corruption*, and *Timidity* of the *Twelve Judges*; part of whom (*History* informs us) were *bribed* by the *Promises*, and part *terrified* by the *Threats* of that *detestable* Betrayer of his *King* and *Country*, the *Lord Chief Justice FINCH*, to sign an *Opinion*, in the *Case* of *Ship-Money*, subversive of all *Liberty*, by erecting a *Prerogative* in the *Crown* to raise *Money* upon the *Subject*, without *Consent* of *Parliament*; contrary to the *Known* and *Fundamental* *Laws* of the *Kingdom*; and also to give a *Sanction* to all the *Illegal* and *Violent* *Proceedings* of the *High-Commission Court*,
Council-

Council-Board, and Star-Chamber. The People, alarmed at these *Illegal, Arbitrary, and Unjustifiable* Practices of the *Interpreters* of the *Laws*, and fearful of *Absolute Monarchy*; had recourse to *Measures*, which involved them in *Anarchy and Confusion*, and brought upon that unhappy *King*, a most melancholy *Catastrophe*.

To such corrupt, and servile *Judges* also, were *Principally* owing the Misfortunes of *King James the Second*. For, countenanced and encouraged by their *Opinions*, the unfortunate *King*, claimed and carried into Execution the *Dispensing Power*. *JEFFRIES*, particularly, upon all *Occasions*, urging *New-coined and Illegal Prerogatives*, and straining and perverting the *Laws*, to the Subversion of *Liberty and Property*; and with as little *Remorse*, imbruing his guilty *Hands* in the *Blood* of the *People*, who calling the *Prince of Orange* to their Assistance, *Deposed the King*, fixed the *Crown* on the Heads of the *Prince and Princess of Orange*; and afterwards, reasonably conjecturing, that a Family, who could have no kind of Pretence, to the *absurd and irrational Claim to Indefeasible Hereditary Right, Passive Obedience and Non-resistance*; and forewarned by two such dreadful and recent Examples of *Royal Sufferings*, and loaded with the *Greatest Favours*, and the *Highest Honours*, a *Virtuous and Mighty People* could
heap

heap upon them, would never prove, either hardy or ungrateful enough, to offer the least Violation to the *Liberties* of the Nation; They settled (in case of Failure of *Issue* in Princess ANNE, afterwards Queen) the *Crown* upon the Illustrious House of *Hanover*: From whom, therefore, you may naturally expect to enjoy, the *Greatest* Blessings a People are capable of, as long as any one *Prince* of that *Race*, shall be left to sit upon the *British Throne*.

As to the infamous Betrayers of their Royal Masters, FINCH and JEFFRIES; they felt the severe, and deserved Effects of their *Pernicious* Counsels, and *Wicked* Practices: The former flying his Country, to avoid the *Justice* due to his *Treasons*, and to *save* an *ignominious* Life. The latter, after a long Course of the most *atrocious* Villainies, being secured in *Prison*, in order to be brought to *Justice*; was there, by the *Decree* of *Heaven*, smitten with *Death*; as if, the *all-just* Avenger of *Wrongs* saw fit, to signalize his *Abhorrence* of such *abominable*, and *unprecedented* Crimes; by permitting the *merciless bloody Actor* of them, to fall by no other than his own Almighty Hand.

I heartily pray God that such another *Chief Justice* may never again infest the Land—But God *Knows*.—

JURIES and SHERIFFS next deserve your serious Attention.

And first for JURIES. To be determined in all Matters, concerning your *Lives, Liberties and Properties*, by *Twelve Men your Equals*, is a *Privilege* which has been enjoyed by *Englishmen* from the Days of that *Great and Glorious Example of Royal Virtue*, King ALFRED: and is, in its Nature, the *Highest*, that any *Nation* ever did, or ever can enjoy. But *Juries*, like the *Laws*, may be abused and perverted, to the *Prejudice and Ruin* of the *People*, for whose *Benefit and Security* they were by our wise *Ancestors* intended.

Many are the *Methods* by which they may be abused and perverted: But more especially by the following, *viz.* By the wicked *Artifices* of a corrupt JUDGE, imposing upon the Understandings of a *Jury*, either weak, or else *ignorant* of, and *unskilled* in the *particular* *Affair* before them; and consequently, unable of themselves, without *proper* Assistance, to form that *correct* Judgment; which is requisite for a *just Verdict*; or misleading them by a *partial* Summing-up, and *unfair Observations* upon the *Evidence*; or by *inculcating* the *diabolical* Doctrine of NUMBER and CONDITION; or by persuading them out of their undoubted *Right*, to judge of, and determine upon

upon the *Points* of *Law* as well as the *Facts*; or by intimidating them, as JEFFRIES did the *Jury*, in the Case of Mrs ALICIA LISLE, whom they at last brought in *Guilty*, after they had Acquitted her *three Times successively*, being terrified by the *Threats* of that *atrocious Monster*; or by the *Iniquitous* and *Hellish* Doctrine of *Innuendo*, &c. &c.

They may likewise be *abused* and *perverted* by scandalously packing *Juries*; of which *detestable* Practice, former Times furnish several Instances, which having proved no less *destructive* to the *Authors* of that *Dev'lish Practice*, than to the *Subject*, it is not impossible (if in any of your Days, *impious Men* should again bear Sway) that in order to elude the Stroke of *Justice*, impending over the Heads of *Sheriffs*, and their *Accomplices*, for that *Heinous Crime*; *Ways* may be invented to *draw* in the injured *Subjects* to pack a *Jury* against *themselves*.

How many *Ways*, *Imaginations fertile* in *Mischief* may invent, I cannot say; however, to convince you of the *Possibility* of the Thing, I will give *one Instance* how it may be done.

I am as unwilling to suspect your Duty and Affection to your *Princes*, as I am your *Zeal* and *Attachment* to your *Rights* and *Liberties*. I cannot, therefore, but believe, that in a Contest between the *Crown* and any of *You*;

you would rather endeavour to obtain *Redress*, by the more *gentle* and *respectful* Method of an *Humble*, and *Dutiful* Petition to the *Throne*, than by an immediate Application to the *Courts of Law*. And it is not unlikely, that you may, in Hopes of adding the greater Weight to your *Petition*; procure to it, all the Hands of *Gentlemen* of indisputable *Honour* and *Integrity*, within the Bounds of a *whole County*.

I cannot therefore but caution you, that this Method may, by the *sly* Artifices of the *dirty Engines* of a *Court*, be turned to your *Prejudice*, and even to the *Ruin* of your *Cause*; by converting this Instance of your *Duty* and *Affection*, into the Means of making you, in Effect, the *Packers* of a *Jury* against yourselves. For should the Number of Gentlemen of indisputable *Honour* and *Integrity*, who shall sign your *Petition*, be so great, that there will not be enough left, who shall not have signed it to make a *Jury*; the *Agents* of the *Crown*, may legally object to every one of them, as a *Party* in the *Cause*; which must then, probably be submitted to the *Determination* of a *Jury*, whose Dependencies upon, and *Expectations* from a *Court*, will render them, if not in *Law*, yet in *Reason*, and in the Nature of Things, less fit to discharge the *High Trust* of a *Jury*, than those *Gentlemen* of Indisputable *Honour* and *Integrity*, against whom no other Objection

Objection can lie, than that of having signed the *Petition*.

Nor is it impossible that they, whose *only* Merit consists in a *Readiness* to embark in any Mischief against the *People*, and in a quick Invention how to *injure* and *betray* them, may, with a View to draw you in, thus to be the *Packers* of a *Jury* against yourselves, and also to Stave off a disagreeable Trial; devise a Scheme which I shall presently mention.

Indeed, directly to advise a Number of People, (with so infamous a Design) to *Petition* the *Throne*, is what they may choose to avoid, provided they can contrive a Way to *induce* the *People* to do it of themselves.

But suppose a Case, Wherein a great and Favourite Subject shall be the *Aggressor*, and shall *Trespass* upon the *Rights* of a Number of *True-born Englishmen*; may not some mean, sly *Tool*, of that *Great* and *Favourite Subject*, naturally think; that if a *Petition* were to be presented to, and rejected by that *Great Personage*, such a Spirit might be raised, by the Slight and Contempt shewn upon that Occasion, as would excite the injured *Subjects* to fly instantly for *Redress* to the common *Father* of the *People*; with a *Petition* signed by ALL the Gentlemen of indisputable *Honour* and *Integrity* in a whole County? And would

would not this give the *Agents* for the *Aggressor*, an Opportunity of throwing the Cause into the *Hands* of a *JURY* adapted to their Purpose, by objecting to those, as having signed the *Petition*, who shall be fittest, upon all Accounts, to be trusted with the *Rights* of the *Subjects*? And would not such a *Device* be, in Effect, using the *Subjects*, as *Instruments* to pack a *JURY* against themselves?

Suppose then, this mean, sly *Tool*, with this infamous *View*, should, under the Pretence of being a Party concerned, thrust himself, with a Train of *Slaves* at his Heels, into the *Company* of these injured *People*, met to consult upon proper Methods to assert and maintain their *Rights* and *Privileges*; and after employing, in vain, every *Argument*, and every *Artifice*, to persuade them into a tame *Submission* to *Power*, under their *Wrongs* and *Oppressions*, he should at last propose to them, previous to any Attempt to obtain *Justice* in a Court of *Law*, to try the more gentle and respectful Way of presenting a *Petition* to that great and favourite *Subject*, which he could not but believe or know would be rejected; assuring them, at the same Time, they would obtain the *Redress* they desired. Suppose then, out of a peaceable Disposition, and an intire Honour and Affection for the great Person, they should present a most respectful *Petition*, which should be rejected; and being justly nettled, and warmed at the Repulse, they should,

should, agreeable to the sharp Foresight of the above *Agent*, immediately fall before the *Throne*, with a most humble and dutiful *Petition*, signed in the aforesaid Manner, setting forth their *Grievances*, and praying *Relief*: And after having waited a long Time without *Relief* or *Answer*, (the *Petition*, perhaps, being all the while *bandied* about from *Tool* to *Tool*, in Hopes of wearying the Injured out, or to excite them to *petition* in *such Numbers*, as to leave scarce a *proper* Person to serve upon a *Jury*) they should be driven to the unhappy *Necessity* of *applying* to the *Courts* of *Law* for *Justice*; and when the *Parties*, and their *Agents* meet, in order to settle a *Jury*, most, or all of those Gentlemen of indisputable *Honour* and *Integrity* should be objected to, as *Parties concerned*, because they had signed the *Petition* to the *Crown*.

In such a Case, of what Sort of Men would the *Jury* impannelled in that Cause be likely to consist? What would probably be the *Fate* of the *Subjects*? What an *Artifice* would this be to exonerate *Sheriffs*, and their *Accomplices*, from the *Punishments* due to the *Crime* of *Packing Juries*, by *inveigling* and *chousing* the *Subjects* into a *Plot*, to make them *Packers* of a *Jury* against themselves, and the Instruments of a *Verdict* to their own *Prejudice*? What would that odious *Tool*, that Gentleman of *Figure* and *Fortune*, deserve, who should

Should thus *basely* betray his *Neighbours* and *Fellow-Subjects*?

So grievous a Crime, I fear, is not within the *Reach* or *Notice* of the *Laws*. However, the *People*, who ought in all Cases, *one and all*, to interest themselves in the *Injuries* offered to one another, have (Heaven be praised!) the *Power* of punishing it in their own Hands, by banishing the *treacherous Wretch*, by an *universal* Consent, from the *Society*, and *Conversation* of all honest Men. For most certainly, to be but seen in the Company of such a *shameless, graceless, barefaced Fellow*, who would be a *Scandal* to the whole *Human Species*, would be a greater *Blemish* to the *Character* of any one, than the most *intimate Acquaintance* with a JONATHAN WILD, or the most *atrocious Knave* that shall ever end his Days at TYBURN.

Nor would that Council less deserve *Banishment* from the *Society* of all honest Men, who, after accepting a *Retaining Fee*, and the Rank of *first Council*, from the *Subjects*, and making himself Master of the whole *State* and *Strength* of their *Cause*, should *basely conspire* with the abovementioned, or any other *Wretch* like him, to betray his *Clients*; by putting him in *Possession* of all the *Materials* for the *Support* of their *Cause*, and afterwards by *deserting* them in the *Day of Hearing*; and throwing up his *Brief* within an Hour or two before

before the Cause comes on. If *Westminster-Hall* should ever be unfortunate enough to behold within her *Walls*, sacred to *Justice* and *Liberty*, such a shameless Fellow dressed in the long *Robe*; I make not the least doubt, that the *Gentlemen* of that honourable Garb will unanimously combine to strip the long *Robe* from his *Back*, and expel him their *Company*; as the *Peacocks* in the Fable stripped and expelled the mean impudent *Jack-Daw*, strutting amongst them in their glorious *Plumes*. And I as little doubt, that the Expulsion of the infamous *Defenter*, who shall thus sacrifice his *Clients*, to his Hopes of Rising in his *Profession* (perhaps to the Seat of *Justice*) will be attended with every proper Circumstance of *Disgrace*: And that, as the *Soldier*, who deserts his *Colours*, deserves to be drummed-out of his *Regiment*; so they will drum such a vile *Defenter* of his *Clients* out of *Westminster-Hall*, with a *Halter* about his *Neck*.

What I have said above in Relation to *Petitioning*, is not with an Intention to dissuade you, in Case of any *Dispute* between the *Crown* and you, from the more gentle and respectful Application for Redress, by way of *Address* or *Petition*: As this Way is the more gentle and respectful, it is certainly the most proper. All I mean is, to give you a Caution, that if ever you should have such an Occasion to address or petition the *Crown*, that your *Address* or *Petition* be signed by no more

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than shall be absolutely necessary to give a due Weight to it: So that there may be a sufficient Number left out, qualified by their indisputable *Honour* and *Integrity*, to serve upon a JURY; that you may not by your own Act be driven to the unhappy Circumstance, of having your Cause determined by a JURY, whose *indifferent Characters*, *close Connexions* with, and *strong Obligations* to, the Court, may render JUSTICE PRECARIOUS.

These are some of the *Methods* by which JURIES may be *abused*, and perverted to the *Prejudice* and *Ruin* of the *Subject*, for whose *Preservation* and *Security* they were *originally* designed and instituted. From which it appears, of how great Consequence it is to the *People*, that they should be preserved in the utmost Purity; and that none should be summoned to serve upon JURIES in general, but Persons of *clear* and *unsuspected Characters*; and that in impannelling JURIES, the strictest Regard ought always to be had, to the Nature of the several Cases they are to determine upon, and to the *proper* Qualifications of the Persons *impannelled*, to judge of the *Matters* referred to their Judgment. For Instance,

In Cases of common Felonies, depending only on *simple* Facts; or in Actions of common Defamation, depending *only* upon Words spoken; as one Person calling another *Whore* or *Rogue*, and in all similar Cases, to be sure

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an *honest, upright Heart*, and *plain common Sense*, are the only Qualifications requisite in a JURYMAN. But in Cases of a superior Nature, relating to Commerce, Science, or *Writing and Publishing*; in such Cases, I say, *Skill, Learning, and Knowledge*, in the Matters under their Consideration, are as requisite and necessary Qualifications in a JURYMAN, as an honest and upright Heart. Such Cases requiring something more than plain common Sense: Since a JURYMAN, *ignorant and incapable* of judging of Matters beyond the Reach of his *Education and Knowledge*, would, by the *Dexterity* of a corrupt JUDGE, be easily imposed upon, and misled to give a *Verdict* injurious to the *Subject*; and, instead of being his *Safeguard*, might prove the *Instrument* of his *Ruin*. The Reasonableness of what is here advanced, will appear from nothing more clearly, than from the just Complaint of Mr ALGERNON SYDNEY; who, in the Paper which he delivered to the SHERIFFS upon the *Scaffold*, after reciting the Substance of the Book for which he was partly indicted, uses these remarkable Words:

“ This is the Scope of the whole Treatise,
 “ the Writer gives such Reasons, as at present did occur unto him, to prove it. This
 “ seems to agree with the Doctrines of the
 “ most Reverend Authors at all Times, Nations and Religions. The best and wisest
 “ Kings have ever acknowledged it. The

“ present King of *France* has declared, That
 “ Kings have that happy Want of Power, that
 “ they can do nothing contrary to the Laws
 “ of their Country ; and grounds his Quarrel
 “ with the King of *Spain*, *Anno* 1667, upon
 “ that Principle. King JAMES, in his Speech
 “ to the Parliament, *Anno* 1603, doth in the
 “ highest Terms assert it. The Scripture
 “ seems to declare it. — If, nevertheless, the
 “ Writer was mistaken, he might have been
 “ refuted by Law, Reason, and Scripture ; and
 “ no Man for such Matters was ever other-
 “ wise punished, than by being made to see
 “ his Error ; and it has not, as I think, been
 “ ever known, that they had been referred to
 “ the Judgment of a JURY, composed of Men
 “ utterly incapable to comprehend them.”

This brings me to the Consideration of the
 Office of SHERIFFS ; which, the Powers
 of doing Good, and the Opportunities of do-
 ing Mischief annexed to it, render it an Office
 of the highest Trust and Importance in the
 State, next to that of King. For, upon the
 Integrity and Firmness of this Officer, depends
 the Life, Liberty and Property of every Eng-
 lishman ; since his Fate, with Respect to each
 of these, is to be determined by a JURY, good
 or bad, impannelled by the SHERIFF. In
 support of which Truth, all that I have said
 upon the Subject of JURIES, are so many un-
 deniable Arguments, that I need urge little
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more in Proof of it. Yet I cannot forbear making one Observation more upon the vast Importance of this *Officer*, arising from the *Opportunity* he has of doing Mischief. Should he confine himself to those *Mal-Practices*, in the Execution of his *Office*, which would only affect Individuals, or at most a small Number of the *People*; the *Laws* have provided wholesome *Remedies* in most Cases; from the due Execution of which *Laws*, and the proper Application of which *Remedies*, such *Punishments* would ensue, as sufficiently to deter *Sheriffs*, for the most Part, from any *violent*, and *unjust* Proceedings; or if they should ever transgress, the *Injured* would receive some *Satisfaction*. But if ever they should enter into a Conspiracy with *Princes*, and their *Evil Counsellors*, to subvert the *Constitution* of this *Country*, they may certainly, under such a Conspiracy, shelter themselves and all other *Conspirators* against the *Liberties* of the *People*; from the Severity of those *Laws* and *Provisions*, made for the Punishment and Suppression of those *Delinquents*, who shall advise or aid *Princes* to encroach upon the *Liberties* of *Englishmen*; and totally deprive the *People* of the *Protection* and *Benefit* of those *Laws* and *Provisions*, to which they are most justly intitled. For though it is a Thing the most unlikely to happen again; yet, the Precedent of the Year 1397 proves the Possibility of it; when King *Richard* the Second, in manifest *Violation* of all the *Laws* of God, and of the *Land*, by the Assistance of *Venal* and *Abandoned* *Sheriffs* (who returned none
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to serve in Parliament, but *Tools* nominated by the King and his wicked Ministers) packed a Parliament, composed of as *abject, venal, slavish, impudent, and hardened Hirelings* as ever dishonoured and betrayed a Country. These *beggarly, bribed, shameless, profligate, prostitute, and scandalous Villains*, nominated by the King and his Ministers, instantly repealed all the wholesome *Laws* made by former *Parliaments*, for the Security of the Nation; and intirely subverted the *Liberties* of the *People*, by voting that *Tyrant* above the *Laws*; and changing the *limited Monarchy* of *England* into an *absolute One*. In Consequence of which, many of the *greatest and best Men*, deprived of the Benefit and Protection of the *Laws*, Illegally fell *Victims* to the *Rage* and *Malice* of the King and his *Evil Counsellors*.

Thus, *Posterity*! You see in what manner, and by what means, *Sheriffs* may injure the *People*.

First, by packing *Juries* devoted to the *Court*; and ready to co-operate with corrupt *Judges*, in trampling upon the *Lives, Liberties* and *Properties* of the *Subjects*.

And secondly, by letting loose upon them all the *Engines of Destruction*, who may with Impunity treat them as *Unjustly*, and *Cruelly* as as they please. For when once the last and effectual *Recourse* to an *Honest, Faithful and true*.

true *Representative* of the *People* shall be cut off, by the *False* and *Arbitrary* Returns of *SHERIFFS*; and other *Returning* Officers, (who, perhaps, may be as easily secured to the Interest of a Court) all *Recourse* to the *Laws* will likewise be cut off; and *Sheriffs*, secure both in the *Protection* of *corrupt Judges*, and a *Parliament* *packed* by order of the Court; and so Returned, might, and most probably would *conspire* with such *Judges*, and other *Evil Counsellors*, to ruin the *Subject*, deprived of that Appeal; which by keeping *Sheriffs*, *Judges*, and *Evil Counsellors* in awe, preserve to him the *Benefit* of the *Laws*, and particularly of those *Great* and *Inestimable* Privileges, (which are the *Basis* of *English Freedom*) of being *Tried* before *Impartial Judges*; and of being *Determined* in all *Cases* concerning *Life*, *Liberty* and *Property*, by *Twelve honest, sensible Men*; capable of judging of the several respective *Matters* referred to their *Judgments*.

Thus appears the high Importance of this *Great Officer*, a *SHERIFF*, as well as that of a *JUDGE*.

I have now gone through such Symptoms of Danger to these invaluable *Privileges* as at present occur. I proceed,

Secondly, to recommend such legal and constitutional *Remedies*, as, if timely applied, will, by the Blessing of Almighty God upon
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your virtuous Endeavours, *effectually* secure to you *these*, and *all* the *Liberties*, to which you will be intitled as *Men*; and particularly as *Englishmen*.

In speaking of the necessary Attention to the *Bar*, and the *Officers* inferior to the *Judge*; I took Occasion to propose, in case of any Abuse of *Powers*, annexed to their *Offices*, or upon the Rumour of the Advancement of those, who shall have abused those *Powers*; or indeed shall, in any *Respect*, have shewn themselves unworthy of a *public Trust*, and the Confidence of their Country, to the *Seats of Justice*; unanimous *Addresses* to the *Throne* from all Parts of the *Kingdom*; in the first Case to *remove* them from their *Offices*; and in the last, to prevent their Advancement, so *prejudicial* and *destructive* to the *Safety* and *Felicity* of the *People*. I shall therefore now only add, that if, through the *Advice* of *Evil Counsellors*, your humble and dutiful *Address* should be *rejected* and unsuccessful; it will be absolutely necessary to *fly* for Help immediately to *Parliament*.

But when *Time-Servers*, *Sycophants* and *Slaves*, are once placed upon the *Bench*; they are fixed there, till the Commission of some *Crime*. In which Case, your *Application* must of *Necessity* be first to *Parliament*: The *Act of Settlement* having abridged the *Power* of the *Crown* to *redress* you; the *King* being thereby

thereby restrained from removing a JUDGE, unless upon an *Address* of both *Houses of Parliament*. Fly then for *Redress* to them; lay all your just Complaints and Grievances before your *Representatives*, the ever-watchful *Guardians* of your *Liberties*; who will not fail, in Conjunction with the *other House*, to *avenge* your Injuries, and grant you the *Shelter* of their *Wisdom, Power and Justice*.

When SHERIFFS betray their *Trust*, transgress the *Laws*, and injure the *Subject*, whether by packing *Juries*, or by acting *corruptly* and *partially* at *Elections*; they are liable to be *severely* punished, by Virtue of those wholesome and necessary *Laws*, which the *Wisdom* of the *Legislature* has from Time to Time provided, to awe and restrain them, to secure Individuals, and to preserve the *good old English Constitution*.

A false Return, indeed, though liable to a Penalty of 500*l.*—(a very moderate One for so *heinous* an *Offence*) is not, without the *Assistance* of the *House of Commons*, within the Reach of the *Courts of Justice*, (or at least no Court would care to meddle with it) before a Return has been adjudged *False*, by that *Honourable Assembly*. Therefore, whenever a Return shall be adjudged so by them; it is (for the foregoing Reasons) of the highest Consequence, that the *Offender*, should *be Prosecuted* with a most *active* Spirit, and feel

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the utmost *Rigour* of the *Laws*. And as long as your *Representatives*, continue an unpacked, uncorrupt, and a free Body; you will have this Satisfaction; that no *Returning Officer*, guilty of that most *atrocious* Crime, will be able to escape the *Penalties* of the *Laws*; whom you shall resolve (as I hope you will upon every Occasion) to bring to *Justice*. There may indeed be Instances of *false Returns*; where the Persons returned, may have the Merits of the *Election* on their Side, and yet the Return may be a false Return: That is, they may have a real Majority of *legal* and *uncorrupt Votes*, and nevertheless their Opponents may, by Bribery, and by other *indirect Practices*, have a *Majority* upon the *Poll*. Now a returning Officer, not being appointed by the *Law* the *Judge* of such corrupt and indirect *Practices*; is *obliged* by *Law* to make his Return of the Majority upon the *Poll*, without any regard to the *Merits* of the *Election*, of which the *House of Commons* are the *sole Judges*, and who (to be sure) will be ready, upon all Occasions, to do exact *Justice*. So that if he should make any other Return, than is warranted by the *Poll*, it would, I apprehend, be a *false Return*; and such Returning Officer, would be liable to all the *Punishments* commonly inflicted by that House in those Cases, and to all the *Penalties* of the *Laws*. For as *Executive Officers* are bound down to the strict Letter of the *Law*, they ought not upon any Account to dispense with it; and they

they deserve the greatest Punishment, who at any Time deviate the least there from; since innumerable Mischiefs would thereby accrue to the *Public*.

But if, on the other Hand, a SHERIFF, or any other *Returning Officer*, should be concerned in *corrupt* and *indirect Practices*; or should *knowingly* and *wilfully* admit *Persons* to *Poll*, who have no manner of *Right*, in order to make up a Majority of *any Sort*, or at *any Rate*; to furnish a plausible Pretence and Excuse for making a *Return* in favour of the *Parties*, to whose Interest he shall be shamefully biaſſed; and yet, notwithstanding all the corrupt and indirect *Practices*, which the most dextrous and infamous *Tools* of *Power* can devise; and all his own *illegal* and *scandalous* Partialities, the opposite Parties should gain a Majority upon the Poll; he should, I say, notwithstanding all this, Return his *Friends* against that *Majority*; or should, in order to skreen himself, make a *Double Return*; I appeal to common Sense, and common Honesty, and to every skilful *Lawyer of Integrity*; whether both those Returns would not be *False Returns*? If therefore a *Matter* of so *high Importance* to the *People*, should happen, in any of your *Days*, to be the Object of general *Concern* and *Dread*; will you not vigorously exert yourselves to bring that villainous Betrayer of his *Trust*, and of his Country, to *Justice*? Which you cannot fail

to obtain, upon an Application to the House of Commons?

It is true, that in Petitions containing various Allegations, and complaining, not only of a *False Return*, but also of *corrupt, indirect*, and other *illegal Practices*, and in which the Rights of a vast Number of Voters are contestable, as in *County Elections*, or in very *Popular Elections* for *Cities*, and great *Boroughs*; a full Inquiry into the several Rights and Facts, proper to enable the *House* to form a just Judgment upon the Case before them, may demand so much Time, that it may be hardly possible, within the Compass of one Session to determine both the *Merits* of the *Return* and the *Merits* of the *Election*; if therefore the House, for the sake of Brevity and Time (which I think is the best Reason can be assigned for it) should see fit, to enter, first into the *Merits* of the *Election*, and not have Time to enter into those of the *Return*; you are not to think yourselves excluded thereby, from that *Justice* upon the *Returning Officer*, which is absolutely necessary for the Security of your *Liberties*. Since both the *Candidates* and the *Electors* may, although the *Merits* of the *Election* shall be determined against them, petition again the next Sessions, so far as relates to the *Merits* of the *Return*, and to the Conduct of the *Returning Officer*; for his Offence has no Relation to, nor Connexion with the *Merits* of the *Election*; but
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consists wholly in his *Transgression* of the *Rule* prescribed him by *Law*. Nor can I suspect, without an Imputation both on your *Virtue* and *Discretion*, that you will neglect to *petition* again upon this *Point*, when you consider that such a *Transgression* is pregnant with the most *fatal Consequences*, tending to cut off from the *People* the main Spring of *Liberty*, an *unpacked, uncorrupted* and *free House of Commons*; to whom they may *apply for*, and from whom they may always *expect* to obtain *ample Protection* and *Redress*, under all *Oppressions* and *Injuries* which shall be offered to their *Persons* and *Properties*; and under all *Encroachments* which shall be made upon their *Liberties*. And although I have no Suspicion of your *Virtue*, yet my Zeal for your *Felicity*, compels me earnestly to press you to exert an *indefatigable Industry* upon every *false Return* made by a *Sheriff*, or any other *Returning Officer*; and to leave no Method untried to bring the *Offender* to *Justice*. For I will be bold to Prophecy, that if once you grow negligent and remiss in this most *essential Point*, there will not be wanting *ambitious* and *wicked Men*, ready to take the Advantage, and to advise the *Crown*, against *General Elections*, to appoint to the most important Office of SHERIFF, the most *venal* and *abandoned Tools*; and to secure by *Bribery* and *Corruption*, as many of the *Returning Officers*, as shall willingly extend their Hands to receive the *Wages of Sin*: Who,
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like the *Creatures* of King *Richard* the Second, will return *none* to serve in *Parliament*, but such as shall be nominated by *ambitious* and *wicked* Men.

If therefore you shall entertain a just Sense of the unspeakable Blessing of *Liberty*, and shall be desirous to enjoy it to the End of Time; you must first pursue the guilty *Sheriff* and *Returning Officer*, 'till you obtain *Justice* in the Courts of *Law*, for Offences cognizable by them; *viz.* such as respect packing *JURIES*, Partialities, *corrupt* and *indirect* Practices in *Elections*, and with repeated *Petitions* to the *House of Commons*, for a *false Return*; 'till they shall have Leisure from a *Multiplicity* of *Business*, to examine the *Allegations* of the *Petition*, and the *Merits* of the *Return*; and to convict, or acquit the accused Person, according to the Evidence that shall appear before them.

Secondly, You must pursue such *Attorney-Generals*, or *Solicitor-Generals*, or any other *Officers* of the *Law*, inferior to a *JUDGE*, who shall give a Proof or Specimen of a *Time-serving*, and *slavish* Mind, with *Addresses* to the *Throne*, to remove them from their respective *Posts*: And in case the *Crown* shall reject or slight your *Addresses*, you must then without fail pursue them with *Petitions* to your *Representatives*, humbly laying before them your just Apprehensions of Danger from those

those *audacious* Delinquents; and praying the Honourable *House* to take you under their *Protection*; either by an *Address* to the KING to remove them, and to discover the *Evil Counsellors*, who shall have dared to advise the *Crown* to reject, or slight the *Petition* of *any* part, or of *any single One* of the *free-born Subjects* of *Britain*; or by any other Means, which to them in their great Wisdom shall seem meet.

Thirdly, You must with no less Vigour pursue the *Time-serving*, *corrupt*, and *partial* JUDGE; who, in Causes between the *Crown* and the *Subject*, concerning *Life*, *Liberty*, or *Property*, shall, in manifest Violation of all *Justice*, unrighteously and traiterously side with the *Crown*, against the oppressed and injured *Subject*; either by erecting *Prerogatives* in the *Crown*, new and unknown to the *Laws* and *Constitutions* of the *Land*, or by advancing the *hellish* Doctrine of *Innuendo*; misinterpreting the *Laws*, by denying the Right of JURIES to judge of the *Law*, as well as the *Fact*; intimidating JURIES; Browbeating *Witnesses*; scandalous Partiality in Summing-up Evidence, and Observing upon it; or lastly, by *inculcating* the *infamous* and *damnable* Doctrine of NUMBER and CONDITION; thereby endeavouring to destroy the *Evidence* of all the honest and worthy FARMERS and TRADES-PEOPLE in the Kingdom, by vesting all Credit in GENTLEMEN of *Figure*

gure and Fortune only; and in the *Majority* of such. That would be to say in plain *English*, That JURIES ought not to believe any *Witnesses*, but *Sycophants*, *Dependants*, and *Expectants* upon a COURT. A Doctrine which if it should ever prevail, would soon generate such infinite *Swarms* of these *all-devouring* Insects, as would, without the least *Scruple*, *out-swear* and *out-number* not only all the honest and worthy FARMERS and TRADES-PEOPLE, but all the GENTLEMEN of *real Fortunes* and *unblemished Characters* in the whole Island of *Great Britain*. Then would *Life*, *Liberty* and *Property*, become precarious indeed. Then would the unhappy *Subject*, contending for any of *these*, become the easy *Prey* to *Power*; being thus stript of all Means of Defence from *honest*, *legal*, and *credible* Witnesses: Since, according to the villainous Doctrine of *Number* and *Condition*, the Evidence of an Hundred honest *Farmers* and *Trades-people* would avail him nothing, if but Two Courtly GENTLEMEN of *Figure* and *Fortune* should receive Orders to contradict them upon Oath. Nor would the Evidence of an Hundred *Gentlemen* of the *largest Fortunes* and *fairest Reputations* in the Kingdom, avail him any thing more, when confronted by an Hundred and One *Placemen*, *Pensioners*, *Sharppers*, *Flatterers*, *Time-servers* and *Slaves*, furbished up in *laced Coats*, and riding in *Coaches* and *Six*, which shall be maintained out of the *Spoils* of their Country,

try, if they are paid for at all; for then your Good and Courtly JUDGE, may observe to the JURY, (most probably a *packed one*) that the *Witnesses* for the *Subject* were indeed *Gentlemen of Figure and Fortune*; but that the *Witnesses* for the *Crown* were also GENTLEMEN of *Figure and Fortune*; and that the *Subject* had produced no more than an Hundred *Witnesses*; whereas the *Crown* had produced **an Hundred and One**; and the *Crown* having by *One* a Majority of *Witnesses*, they ought, according to the Doctrine of *Number*, to bring in their *Verdict* in Favour of the *Crown*. Therefore, I say, in this, or in any of the abovementioned Cases, you must pursue the *Time-serving, corrupt, and partial* JUDGE, with an unwearied and never-failing *Vigour and Resolution*; petitioning your faithful *Representatives in Parliament*, to bring the *obnoxious and detestable* Wretch to the *just Tribunal* of the *House of Peers*; from whose *impartial Judgments*, the severest Punishments known to our *Laws and Constitution*, will certainly be inflicted on the vile Offender; though indeed far inferior to the Deserts of the *least* of such atrocious Crimes, the adequate Punishment of which, is out of the Reach of all *human Wisdom and Power*; and must be reserved for the all-just *Tribunal of Heaven* at the last Day; there to receive their *full and deserved* Reward, from that *Impartial and Righteous Judge*, whose *Wisdom only* is infinite to contrive, and whose *Power is*

only infinite to execute an *adequate Vengeance*, in that *outer Darknes* assigned by the irrevocable Decree of the *Almighty and Immut-able* GOD for the Wicked; where there is *Weeping and Gnashing of Teeth*; and where the *Worm dieth not*, and the *Fire is not quenched*.

The good Bishop LATIMER, in a Sermon before King EDWARD the Sixth, delivers himself thus: " I wil speak no more of *scala Cœli*, but I am sure this is *scala Inferni*; the right way to Hell is to be couetous, to take Brybes and peruert Justice. " If a Judge should aske me the Way to Hell, " I should shewe hym thys Way. First let " hym be a couetouse Man, let hys Heart be " poisoned with Couetousnes, let hym go a " lytle further and take Brybes, and peruert " Judgement. Loo, here is the Mother, and " the Daughter, and the Daughter's Daughter. Avarice is the Mother: she bryngs " fourth Brybetaking, and Brybetaking peruerting of Judgement, these lackes a fourth " thynge to make up the Messe, which so " God helpe me, if I were Judge should be " *Hangum Tuum*, a Tiburne Tippet to take " wyth hym, and it wher the Judge of the " Kinges Bench, my Lord Chiefe Judge of " *England*, and it were my Lord Chancellour " hymselfe to Tiburne with hym.

" So

“ * So thys Woman was *Diues*, she was a
 “ Rych Woman, she held her Lands by the
 “ Sheriffes Nose, he was a Gentleman of a
 “ long Nose. Such a Cup, such a Couer.
 “ She would not depart from her own. Thys
 “ Sheriffe was a couetouse Man, a worldly
 “ Man, the Judge at the enpanalyng the Guest
 “ had hys grave lookes, and charged them
 “ with thys. It was the Kinges Matter, loke
 “ well upon it. When it makes for their Pur-
 “ pose they have the King, the King in theyr
 “ mouthes. Well somewhat † there was,
 “ there was walking of Angelles between them.
 “ I would wish that ‡ of such a Judge in
 “ *England* now, we might have the || Skin
 “ hanged

* Between these Passages, the good old Divine relates how this High Woman was convicted by a corrupt *Judge*; and how a Rich Man, for the sake of his Riches, was imprisoned at *Rome*; and draws a Comparifon between the two Cases.

† [*There was a Walking of Angelles between them*] Angels was a Coin current in those Days. By which the Bishop means, the *Sheriff* had Bribed the *Judge*.

‡ [*Of such a Judge in England now*] This Expression implies, there was, at that Time, such a *corrupt Judge*; and was certainly meant of that *Judge*, who had suffered himself to be corrupted by the *Sheriff*.

|| [*The Skin hanged up*] This certainly alludes to the Story of *Cambyse*, who ordered the Skin of a *wicked Judge* to be stript off, and hung upon the Bench of Justice, as a Caution to his Son, to whom he gave his *Post*, and to all succeeding Judges. Whoever considers this crying Sin of *Partiality* in a *Judge*, must allow this Punishment, however severe, to be most just and proper.

“ hanged up: it wer a goodly Signe, the
 “ Signe of the Judge’s Skin. It should be
 “ *Lots* Wyfe to all Judges that should follow
 “ after. bye thys Ye may Perceiue it is pos-
 “ sible for a Man to answere for hymselfe,
 “ and be arraigned at the Barre, and never-
 “ theless to have wrong, Yea, ye shall have
 “ it in fourme of Law, and yet have wrong
 “ too.”

Mayster *Hugh Latimer’s* Sermon preached *April*
5th, 1549, before *K. Edward Vlth,* in the
 Preaching Place in the Palace of *Westminster,*
 [I suppose this Preaching Place was *St Stephen’s*
Chapel] See Folio 62 of the *Seven Ser-*
mons preached by that great Divine before
 that Prince the same Year, and printed in 1562.

I have now, *Posterity!* pointed out to you
 such Symptoms of Danger, as at present occur
 to me, to those *great* and *inestimable* Privi-
 leges, of being determined in all Matters con-
 cerning *Life, Liberty* and *Property,* before
 impartial and upright *Judges,* and by a *Jury*
 of Twelve honest, sensible Men, your Equals,
 capable of judging of the Matter (whatever it
 be) referred to their *Judgments;* and I have
 also pointed out such wholesome and sovereign
Remedies, as the *Laws* and *Constitution* of the
Land have put into your Hands; which will,
 if any of those Symptoms should ever appear,
 by an early and timely Application, through
 the *Blessing of Almighty God,* effectually pre-
 vent those fatal Consequences that would ine-
 vitably follow those *Symptoms,* under a *tame,*
unmanly

unmanly, and shameful Negligence. For as the invincible *Virtue* and *Courage* of your renowned *Forefathers*, have taught aspiring and wicked Men, the *Weakness*, *Folly* and *Vanity*, of attempting the *Liberties* of this *Country*, by open Force and Violence; you may be morally certain, that for the Future, they will have recourse to the *meaner* Arts of *Cunning* and *Treachery*; and endeavour by the Help of *corrupt Judges* and *Sheriffs*, packed *Juries*, and *false Witnesses* of *Figure* and *Fortune*; to sap and undermine, and to blow up with *White Gun-powder*; that excellent *Constitution*, which hitherto has stood *firm* and *unhurt*, amidst all the most *violent Assaults* of open Force.

And here permit me to repeat the *Advice* I gave you in a former *Treatise* upon this Subject. That, whenever you shall discover any flagrant Attempt upon the *Rights* of *one single Briton*; you will make his *Cause* the *Cause* of the *Nation*; which it will most certainly be. Nor can you do this better, than by Backing his *Addresses* to the *Throne*, or *Petitions* to *Parliament*, with *Addresses* or *Petitions* in his Behalf of your own, from every County, every City, and every Corporation in the Kingdom; and likewise by aiding him in his *Suits* depending in the Courts of *Justice*, by *Voluntary Subscriptions*, when the Charges of the *Law* shall exceed the *Bounds* of his *Fortune*. — Past Experience evidently shews
the

the irresistible *Power* of a National *Unanimity* in Addressing the *Throne* ; and Petitioning the *Parliament* ; in opposition to Ministerial Attempts upon *Liberty*. Two remarkable Instances of which have happened in my Memory : For to that National Unanimity in this *Legal* and *Constitutional* Method of Opposing, were alone owing both the Defeat of a most wicked Scheme to *enslave* this Country, by the Introduction of a General *Excise* ; and the *Deliverance* of the *Christian Religion*, together with this *whole Island*, and *all it contains*, out of the Hands of *merciless* and *unrelenting* *Jews*. And the same National Unanimity, carried on in the same *Legal* and *Constitutional* Way, upon all proper Occasions, I think, must ever prove successful ; since it can scarce fail to make the most *audacious* and *intrepid* *Invader* of your *Rights*, — Turn *Pale*, — Tremble — and stand *Agast*. Yet, excellent and sovereign as the Antidotes I have prescribed are against *Slavery*, you may as well be without them, if you want *Spirit* to apply them upon all proper Occasions. In that Case, the Difference between an *absolute* Prince, and one who aims to be such, would be only this : The *First* is already *absolute*, the *Other* may very soon become so. What will all the wholesome *Prescriptions* of the *Physician* avail the sick Man, if he flights them ? Or the Doses of the *Apothecary*, if he only sets them by in his Window, and neglects to take them ? What can ever be the *Spring* of a *Negligence* so *dishonourable*,

honourable, so dangerous, and so unwarrantable? Can it ever be a Disregard for Liberty? A Disregard for that *Liberty*, the *Price* of which was the *Blood* of your *Forefathers*; which, at different Times, has manured almost all the *Plains* of *Britain*? Can it ever arise from your *Insensibility* of *Danger*; from a *mean* and *slavish* Cowardice? This can never be, this surely, *Britons*, is impossible! — For of what should you be afraid? Will you be afraid, only to *Address* the *Throne*, and to *petition* the *Parliament*, which you are authorized to do by the *Laws* of the *Land*, for the Preservation of that *Liberty*, for which your *Great Forefathers* bravely *Fought*, and bravely *Died*? Of what then should you be afraid? A *King* cannot eat you up. — If ever such a total Want of *Courage* should debase you, your Ideas of *Kings*, must surely resemble those which are entertained by *Children* of *Giants*; whom they believe able to make but one *Morsel* of a *Man*, and to swallow him down whole at one *Gulp*. But take my Word for it, the limited *Kings* of this Country, when under the watchful Eyes of a *Virtuous* and *Valiant* People, jealous of their *Liberties*, and resolved to defend them; and under the proper Restraint of an *Independent*, *Faithful* and *Wise* Parliament; are no such very terrible Things. Therefore be of good *Courage*; watch for *Slavery* in her first *Approach*, and stop her in her first *Stage*: For *Slavery*.

ry, like her Parent the * *Devil*, will always fly from those, that resist her. Fearless then, as often as Occasion requires, *Address* the *Throne—Petition Parliaments—and be Free.*

But remember, *Posterity!* that *Virtue* is the Soul of *Liberty*, and that *Religion* is the Soul of *Virtue*: and therefore, to see a *People*, whose *Virtue* is departed, exert the *Powers* invested in them by their *Laws*, for the Defence of *Liberty*; would be to the full as great a *Miracle*; as if a rotten *Carcase*, the *Relick* of a *departed Soul*; should rise up, and, unanimated by its former Inhabitant, perform the ordinary Functions of Life. So that if you will be *Free*, you must be *Virtuous*; and if you will be *Virtuous*, you must be *Religious*. Let me then most *seriously* and *earnestly* recommend to you, the earliest and most careful Instruction of *Youth*, in the Belief of God and the *Christian Religion*; and to train up your *Children* from the *Cradle* in the constant Practice of that comprehensive and perfect System of *Morality*, which is only to be found in the *New Testament*. A small Volume indeed; but an ample and compleat *Rule of Life*. A Rule so ample and compleat, that no one Thing can be added to it, for the further Advancement of human Nature, towards the *Perfection* of the *Divine*; and no one Thing can

* Submit yourselves therefore to God; Resist the Devil and he will flee from you. James iv. 7.

can be omitted, without leaving *Man* in a Condition far below what the *Dignity* of his *Nature* is capable of. A Rule so ample and compleat, that it is exactly adapted to the great and benevolent *End* of its *Institution*, the universal Happiness of Mankind; and, therefore equally adapted to the *meanest* Capacity, and the *brightest* Genius; and equally obligatory upon all. The *Learned* and the *Unlearned*, the *Rich* and the *Poor*, the *Prince* and the *Beggar*, being alike bound to the *Practice* of its *Precepts*; which forbid *Intemperance* and *Luxury*, *Deceit* and *Fraud*, *Vanity* and *Pride*, *Ambition* and *Covetousness*, *Oppression*, *Violence* and *Cruelty*, and all those other *Vices*, which debase our *Nature*; and have ever been the *Bane* of *Liberty*, and the *Down-fall* of *Free States*. And on the contrary, enjoins, *Sobriety* and *Temperance*, *Sincerity* and *Honesty*, *Simplicity* and *Humility*, *Moderation* and *Contentment*, *Love* and *Charity*, *Benevolence* and *Humanity*, *Peace*, *Mercy* and *Justice*, *Faith* and *Confidence* in God; the *Honour*, *Fear* and *Love* most justly due to *Him*; and a strict *Obedience* to his holy *Laws*, and the several *Duties*, which we owe to our *Governors*, to our *Country*, to our *Neighbours*, and to *ourselves*; and all the *Virtues*, which raise and improve our *Nature*, and are the only *solid Foundations* of *Government* and *Liberty*.

At the same Time that you instruct *Youth* in the *Principles* of *Religion*, be sure likewise
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to *instruct* them in those of *Liberty*. Constantly display all her *Beauties*, and place the *lovely Object* before their Eyes; that she may *Captivate* their *Souls*; and that the *incessant* Contemplation of her Charms, may strike their tender Hearts, with such deep Impressions, as Time shall never be able to deface. Teach them, that *Liberty* is *Religion*; the *Christian Religion*; the *Religion* in which they are instructed and brought up. Teach them, that she is of an *inestimable* Price; that the *greatest Pomp* and *Splendor*; the *highest Titles*, the Mines of *Peru* and *Mexico*, and all the *Wealth* of the *vast* Globe, are nothing in Comparison with *her*: Teach them, that next to *Religion*, and a good *Conscience*, *Liberty* is the choicest *Gift*, the most exquisite *Blessing* that GOD vouchsafes to Man on this Side the Grave; that they ought to cherish *her*, and to *honour* and *respect* her, as the beloved Favourite of HEAVEN: Teach them, that without HER, Life is but a dead *Weight*, and a grievous *Burthen*; and therefore, that *Life*, and *Fortune*, and whatever else is *dear* to them, and *valuable* in their Esteem, ought readily, and chearfully to be sacrificed in her DEFENCE; for that

“ A Day, an Hour of virtuous LIBERTY,
“ Is worth a whole Eternity in Bondage.”

Farther, Let the Gentry form their Notions of GOVERNMENT and LIBERTY in general, upon

upon the Excellent Writings of Mr SYDNEY and Mr LOCKE; and their Notions of the ENGLISH GOVERNMENT and ENGLISH LIBERTIES upon the *Histories* and *Laws* of ENGLAND; which therefore, I recommend to their diligent study. And as every BRITON has the Happiness to be born FREE; and has an inherent Right in the LAWS and LIBERTIES of his Country; I recommend to every *Shopkeeper, Artificer, Freeholder* and *Farmer* in the Kingdom, a *Bible*, a *Compleat History of England*, *Magna Charta*, the *Bill of Rights*, and the *Act of Settlement*; and I advise them, in the Winter Evenings, when the Labours of of the Day are over, to *Instruct* their Families as *Christians*, with a Portion of *Scripture*; and as *Englishmen*, with a Portion of *English History*, and a Portion of *Magna Charta*, the *Bill of Rights*, and the *Act of Settlement*; and never to let an Evening slip, without a *Paragraph* out of one, or other of the three last; by which Means there will be few in the Nation unacquainted with their NATIVE RIGHTS, and the *Legal Method* of defending them; nor unacquainted with the wicked Attempts of former Times upon LIBERTY; and the *gallant Resistance* made to those Attempts by their FOREFATHERS. By which they cannot fail to imbibe a *Detestation* and *Horror* of *Servitude*, and to be excited to an Imitation of their VIRTUE, so far as to employ all *Legal* and *Constitutional* Methods in the Defence of their LIBERTIES; as often as they shall be invaded.

And that they who cannot afford to purchase a compleat *History of England*, may attain some Knowledge of their RIGHTS, and of the means to defend them legally; I propose the Printing of those three essential *Laws*, *Magna Charta*, the *Bill of Rights* and the *Act of Settlement*; which are the Compacts between the CROWN and the PEOPLE, and upon which all the LIBERTIES of their Country chiefly hang, upon ordinary Paper, for cheapness, but correctly printed, in a small Pocket Volume, for the Use of the *Poor*. And this I propose, because the unhappy Mortal, who is forced to beg his daily Bread from Door to Door, has an equal Right to the LIBERTIES of his Country, and the Protection of the LAWS, with the greatest PEER of the REALM. And as MOSES of old exhorted the Children of ISRAEL concerning the LAWS of GOD delivered to that NATION; so I, with all the *Warmth* and *Zeal* of a *truly English* Heart, exhort you concerning the PRECEPTS of CHRISTIANITY, the LIBERTIES, and the LAWS of ENGLAND; especially the essential LAWS abovementioned.

“ To teach them diligently unto thy Children,
 “ and talk of them when thou sittest in thine
 “ House, and when thou walkest by the Way,
 “ and when thou liest down, and when thou
 “ risest up. Thou shalt bind them for a Sign
 “ upon thine Hand, and they shall be as Front-
 “ lets between thine Eyes, and thou shalt
 “ write them upon the Posts of thine House,
 “ and on thy Gates.” *Deut. vi. 7, 8, 9.*

A PEOPLE thus instructed, and thus exercised in the Principles and Practice of RELIGION and LIBERTY, will be impreguably fortified against the most *furious* Attacks of the *Enemies of both*.

Then shall the CELESTIAL SISTERS, RELIGION and LIBERTY, arrayed in glorious MAJESTY, and irresistible POWER, range uncontrolled throughout the Land, shedding benign Influences as they pass on every Spot of this fair ISLAND.

O POSTERITY! THESE THINGS then do, without Intermission, from *Generation to Generation*; and you will surely draw down from HEAVEN, upon your honest Efforts in the *Good Old Cause* of LIBERTY, the Blessings of GOD the Omnipotent, the infinitely wise and gracious SOVEREIGN OF THE UNIVERSE. Then you can never fall; but shall, under the SHADOW of his all-protecting WING, remain a FREE and HAPPY PEOPLE, as long as the "SUN shall remain to rule Rule the Day," and the MOON to Rule the Night."

POST-

POSTSCRIPT TO POSTERITY.

LET your JUDGES remember the terrible but just Punishments inflicted upon their *corrupt* and *prostitute* Predecessors in former Times.

Let them never forget, how in the Reign of *Edward* the First, the JUDGES were, for their *corrupt* and *illegal* Practices, fined to the amount of 100,000 Marks; a vast Sum in those Days.

Let them never forget, how the JUDGES, in the Reign of *Richard* the Second, were, for their *corrupt* and *illegal* Practices, arrested upon the *Bench* in *Westminster-Hall*; and how by Sentence of *Parliament*, they were condemned to be drawn and hanged as TRAYTORS; their *Heirs disinherited*, their *Lands and Tenements, Goods and Chattels*, to be forfeited to the King; and though their *Lives* were begged, yet their *Estates, Real and Personal*, were forfeited, and Sentence of Death changed into Imprisonment: except with respect to the LORD CHIEF JUSTICE *TRESILIAN*, who was drawn upon a *Hurdle* to TYBURN, and there HANGED.

N. B. The same Sentence passed upon *John Lockton*, the King's Serjeant; and upon *Thomas Ufk*, the Under-Sheriff of *Middlesex*; who packed the *Jury* that found the Bill against the Lords. Let SHERIFFS and their *Accomplices* remember that.

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Let your JUDGES also never forget the deserved Fate of EMPSON and DUDLEY; who were beheaded for *straining* the LAWS, punishing a JURY for not giving a *Verdict* agreeable to them, and for other *illegal* and *oppressive Acts*; and of LORD BACON, LORD CHIEF JUSTICE FINCH, and LORD CHIEF JUSTICE JEFFRIES; and of all those JUDGES who have, for their Corruption and Violence, drawn down upon their Heads the just Judgments of your *virtuous* Progenitors: The Severity of which will, when continually *revolved* in their Minds, *terrify* the *Wicked*, and restrain them within the *Bounds of Law, Clemency, Moderation* and *Justice*; and will furnish the Good, with a fair Excuse, for not complying with the *unlawful* and *arbitrary* Injunctions of *Princes*, and embolden them, whenever they receive any such, to make the same *honest*, and *sturdy* reply, which the upright JUDGES, in the Reign of Queen Elizabeth, made to that Queen, upon a like Occasion; as we are told by the most learned Author of *The Security of Englishmens Lives, or the Trust, Power, and Duty of the Grand Juries of England*; who quotes the Case of R. Cavendish, in *Anderson's Reports*, P. 152, and 155, and says, the JUDGES told the Queen, and her Counsellors, “ *They were by the Punishment of former JUDGES, especially EMPSON and DUDLEY, deterred from obeying her illegal Commands.*” The Queen had sent several Letters under her Signet; great Men had pressed them to obey her Patents under the Great Seal; and the Reasons of their Disobedience being required, they answered, “ *That the Queen herself, and the Judges had taken an Oath to keep the Laws; and if they should obey her Commands, the Laws would not warrant them, and they should therein break their Oath, to the Offence of GOD, and their Country;*”
“ *and*

“ and the Commonwealth, wherein they were born :
 “ and say they, If we had no Fear of God, yet the
 “ Examples, and Punishments of others before us,
 “ who did offend the Laws, do remember and re-
 “ call us from the like Offence.” Security of
Englishmens Lives, Page 108.

I have never had the good Fortune to meet with this *incomparable* Book, till after this Pamphlet was sent to the Press. If I had I should certainly have given it a Place in the Body of it, together with *Magna Charta*, the *Bill of Rights*, and the *Act of Settlement*. I therefore write this *Post-script*, chiefly to recommend the Reprinting it, and Binding it together with *those* three *essential* *Laws*; which will very little enhance the Price. And then let every BRITON, who can spare so small a Sum, make them his constant *Pocket-Companions*. This little Book explains the *whole Duty* of *Grand Juries*, the high Importance of them to every *individual* Person in the *Kingdom*, as the *Life* and *Safety* of all depends upon them. It also shews their *Independency* upon *Judges*; explains the *Duty* and *Power* of *Judges*, and not only of *Judges*, but of *Kings*; and is a full Account of that most *essential* Part of the *English Constitution*, upon which all our other *Liberties* depend. It is likewise a very entertaining Book, being wrote in a clear and masterly Stile: For God's, and for your *Country's* sake, reprint this Book; bind it up with *Magna Charta*, the *Bill of Rights* and the *Act of Settlement*, and make them your constant *Companions*, your daily *Study*, and your never-ceasing *Care*.

F I N I S

